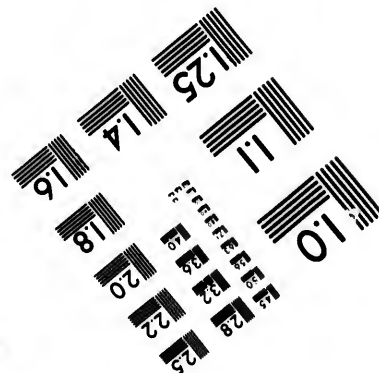
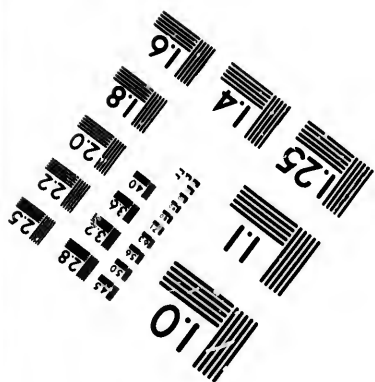
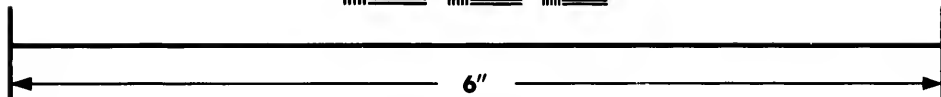
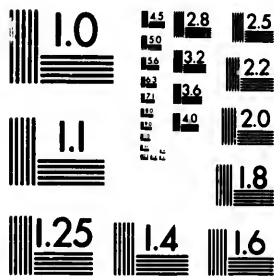
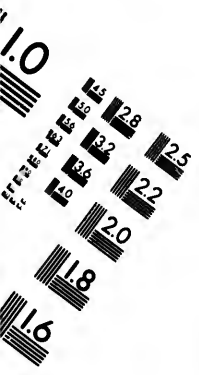


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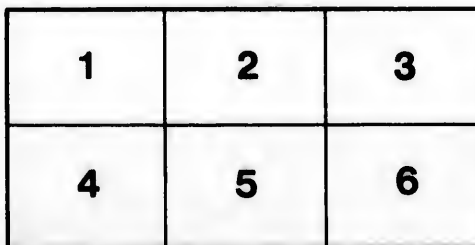
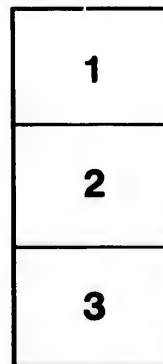
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AN EXAMINATION
OF THE
CHARTER AND PROCEEDINGS
OF THE
HUDSON'S BAY COMPANY,
WITH REFERENCE TO THE GRANT OF
VANCOUVER'S ISLAND.

BY
JAMES EDWARD FITZGERALD.

"Ubi solitudinem faciunt, pacem appellant."—*Tacit. Agric.*

LONDON:
TRELAWNEY SAUNDERS, 6, CHARING CROSS.

1849.



BRITISH AMERICA
to illustrate
the **CHARTER** of the
HUDSON'S BAY COMPANY.



Printed and Published by G. G. & Co. in London.

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DEDICATORY LETTER

TO THE RIGHT HONOURABLE

WILLIAM EWART GLADSTONE, M.P.,

&c. &c.

SIR,

WHEN a work appears from the pen of an able advocate, containing an elaborate reply to all the charges which have been made against his clients, written under the manifest patronage of the highest authority, and in the enjoyment of all the information which such patronage alone can supply, there is one very satisfactory light in which to view such a publication,—viz., that we are at last in possession of the whole defence which can be made.

For this reason, those who doubted the expediency of granting Vancouver's Island to the Hudson's Bay Company, hailed with

pleasure the appearance of the book which has lately been published, under the name of Mr. R. Montgomery Martin, entitled, "The Hudson's Bay Company's Territories and Vancouver's Island;" because they could not regard it as other than a statement, by authority, of all the grounds upon which the character of that Company, and the policy of the Colonial Minister respecting it, are to be defended.

It seemed right, however, that the statements put forward by Mr. M. Martin should not be allowed to remain unanswered. I have therefore thrown together, in the following pages, those facts and arguments which appear to cast discredit upon such statements; and I have arranged them in that order which seemed to me clear and logical, in several chapters, as follows:—

I. A statement of recent occurrences in connection with the discussion of this question.

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II. An investigation into the nature and validity of the several grants contained in the Charter of the Hudson's Bay Company, viz. :—

1. The grant of the soil of Rupert's Land.
2. The grant of the right of exclusive trade throughout Rupert's Land.
3. The grant of the right of exclusive trade throughout the Indian Territories.
4. The mention which has been made of the Charter in Acts of Parliament, and in other public documents, as affecting its validity.

III. The results of the Charter in the influence which it has exercised severally upon

1. The Mother Country.
2. The Native Indian population.
3. The Colonists and Settlers in the territories over which it extends.

IV. The future prosperity of Vancouver's Island.

V. Some concluding observations.

I anticipate that a perusal of the following pages will leave upon the mind of the reader a strong suspicion that the representations which have been made, are neither fair nor true; and the conviction that a policy which tends to give any validity to the pretensions of the Hudson's Bay Company, or in any manner to strengthen and perpetuate its authority, is unwise and rash in the highest possible degree.

At the same time, I am sure that all who have assisted in bringing the character and conduct of the Company under the notice of the public, will rejoice to see the suspicion under which they lie cleared away; and that none would participate in that feeling more entirely than yourself. But in whatever manner the Company may be

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shewn to have exercised their powers and privileges, the conclusion at which I have been compelled to arrive, by the investigations into which I have been led in the course of this work, will remain unchanged, viz., that the powers and privileges of the Hudson's Bay Company, are, for the most part, in direct opposition to the laws of this country.

At a time when the attention of all thinking men is directed to the commercial and colonial policy of the empire, it is impossible that a Corporation can escape notice whose principles and conduct are diametrically opposed to those doctrines and theories which it seems to be the great task of our age to develope and to carry into action.

Were the privileges of the Hudson's Bay Company unquestionable, it would still be a matter of doubt, whether the consistent working out of the principles of the age

would not necessitate their extermination ; especially as there are precedents for the resumption of such powers, from a multitude of companies of precisely a similar character, when those powers and privileges were found to be incompatible with the general weal ; but if it can be shewn that these claims are altogether, and upon several distinct grounds, fictitious and illegal ; and if, in addition, it can be established that the result of the exercise of such illegal power has been of serious detriment, both to this country and to the territories over which it extends, then I can see no reason why we should any longer tolerate a usurped and mischievous authority ; or, why we should hesitate to put the countries now under its sway, upon a better social, commercial, and political system. Englishmen will ever contemplate with reluctance the overthrow of an ancient Corporation ; but

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that feeling will scarcely quell their indignation upon learning the fraud which has been so long practised upon their country.

I think it right to add, that I am not responsible for the truth of all that is here stated. The question is, in a great measure, one of authority, in which testimony must be taken for what it is worth; it is one, moreover, in which it is extremely difficult to arrive at any independent and unbiassed information.

But this much is certain, that there is enough (and this, too, from the evidence of its own servants and agents), to cast a very strong suspicion upon the Company of having grossly abused its powers: there is enough to justify the demand, for a complete and impartial investigation into the proceedings of the Company: there is enough to condemn the attempt to invest it with additional powers.

I should be guilty of an injustice, if I were to neglect this opportunity of acknowledging how largely I am indebted to Mr. Isbister, for his assistance and information in drawing up the following statement, and to the intimate acquaintance which he possesses with the proceedings carried on in the Hudson's Bay Company's territories, a very large part of which he has himself traversed. For the beneficial results which must ensue from the public interest being attracted to the subject, the settlers, as well as the native population, will owe much to the unwearied exertions of that gentleman.

The interest which you took, during the last Session of Parliament, in the question which is the subject of the following pages, will, I hope, be accepted as a sufficient apology for having ventured to connect your name with so humble a performance. If more were needed, I should seek it in the

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sympathy you have ever displayed with any effort, however humble, to vindicate the rights of the oppressed, and to extend the influence of those sacred principles of religion, of liberty, and of law, by which the foundations of this empire have been laid, and by which alone its greatness is preserved.

It is, Sir, only in the hope that it may, in however small a degree, advance the cause of truth and of civilization, that this book is presented to you, with the greatest respect,
by

Your most obedient and

most humble Servant,

JAMES EDWARD FITZGERALD.

London, Feb. 1, 1849.

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CHAPTER I.

A STATEMENT OF SOME RECENT OCCURRENCES IN RELATION TO THE HUDSON'S BAY COM- PANY AND VANCOUVER'S ISLAND.

DURING the last Session of Parliament, rumours went about that it was the intention of Her Majesty's Government to grant Vancouver's Island to the Hudson's Bay Company, with a view to founding a colony there.

There were several public men who doubted whether such a Corporation as the Hudson's Bay Company were likely to colonize effectually; whether the very nature of their constitution, and the character of their operations, would not forbid their doing so; and, more than this, whether they have not a direct interest in preventing Colonization, from the fear that the peculiar monopoly of the fur trade, which they possess, might be practically endangered by a colony in any part of the country;—because the collection of the natives into villages, which would be the tendency of a colony, and the communication to them of agricultural

tastes and habits, in however small a degree, would interfere with their occupation as hunters and trappers;—in fine, whether it were common sense to expect that the task of civilizing and settling a country, should be entrusted to those whose obvious interest it is to keep it wild and uncultivated.

But, besides this, it was within the recollection of those who had taken any interest in the matter, that the colonists of the Red River settlement, the only colony within the dominions of the Hudson's Bay Company, and which is entirely under its government, had, not very long before, expressed great dissatisfaction at the rule to which they were subject; and that they had sent over a petition, signed by almost all the adult male population of the settlement, praying that Her Majesty would be pleased to inquire into the nature of the government exercised over them, and stating many grievances to which they were subject, and from which they prayed to be relieved.

The charges made by the settlers of the Red River against the Hudson's Bay Company, were referred by the Colonial Office to the Governor of the Company for a report thereon. That Report was considered by Earl Grey to be so far from

satisfactory, that the matter was referred to Lord Elgin, the Governor of Canada.

What Lord Elgin's answer was, is a mystery. That one sentence in his Lordship's despatch was favourable to the Hudson's Bay Company, we know, because Lord Grey and Mr. Hawes traded upon it to the utmost in Parliamentary debates respecting this question; but what was the whole tenor and bearing of Lord Elgin's opinion, it is impossible to say, when the Colonial Minister has declared it to be a principle of his administration to quote only such parts of documents in his possession as make out his own case.

But whatever Lord Elgin's opinion may be, the Colonial Office do not appear to have been satisfied with it: for a commission was appointed to inquire, *on the spot*, into the charges made against the government of the Hudson's Bay Company. But, as if in utter mockery of all common sense and common decency, the person appointed to make the inquiry was appointed, at the same time, Lieutenant-Governor of the Colony, and thus became a paid officer of the Corporation into whose administration he was to make an inquiry.

These being the facts of the case, the question was put in the House of Commons, by Lord Lin-

coln, "Are you going to make a grant of additional territory, and of increased powers, to the Hudson's Bay Company, at a time when serious charges are pending against that Company for maladministration of the countries at present under their sway, and before you have received a Report from the Commissioner you have appointed to inquire into the truth of those charges?"

The Colonial Minister admitted that such charges were before him; that a final Report had not yet been made by the Commissioner whom he had appointed; and that he had, nevertheless, determined to make the grant of Vancouver's Island to the Company.

In order to shew the grounds on which this extraordinary decision was founded, some papers were laid before Parliament, containing *extracts* from the correspondence which had taken place with the Hudson's Bay Company, and also a draft of the Charter which it was proposed to make, granting Vancouver's Island to them.

Upon this a motion was made for an address to Her Majesty, praying that the grant might be postponed, until the question were finally settled, as to how the Company had wielded the vast powers already committed to them, and whether

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they were fit to be entrusted with any fresh responsibility.

Close to the end of the Session, when few but the supporters of Government are in town, in the absence of some of those chiefly interested in the question, and in a house of 100 members, the Government only escaped being beaten by a majority of 16 : so feeble was the ground upon which they had to stand.

Upon this occasion Mr. Gladstone made a speech, in which he went into the history and dealings of the Hudson's Bay Company, shewing that they were not qualified to possess the privileges with which it was proposed to invest them.

That speech has remained unanswered until now. The Charter to the Hudson's Bay Company was referred to the Committee of the Privy Council, and there is no information before the public as to whether it has been completed or not. There is, moreover, another motion standing over till this Session, for an address to the Crown, praying Her Majesty to refuse the grant proposed.

Now the case stood thus, to wit, that Her Majesty's Government had made up their minds to a certain course of conduct, right or wrong ;—that a powerful and unanswered manifesto was before the

public, condemning the policy proposed ;—that all the leading public journals had taken up the question against the Government ;—that the Chamber of Commerce at Manchester had thought it worth their while to send up a strong remonstrance against the course proposed ;—that the Hudson's Bay Company had not as yet made any reply whatever to the charges brought against them : the case stood thus, when a few weeks ago a book appeared, under the name of Mr. Montgomery Martin, containing an elaborate defence of the conduct and character of the Hudson's Bay Company, and of the policy of the Colonial Minister respecting it.

There is only one light in which Mr. M. Martin's work upon the Hudson's Bay Company can be viewed as of sufficient importance to demand any notice or reply,—and that is its palpably *official* character.

The author seems to have been furnished, both by Her Majesty's Government and by the Hudson's Bay Company, with every document which could facilitate his endeavour to make out a case in their favour. The work must therefore be treated entirely as an official manifesto.

But it is especially worthy of remark, that several papers are printed in Mr. Martin's book which were

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ordered last Session to be returned to the House of Commons, but of which no return was made. There was no reason why these papers should not have been returned at once, had there been any real intention on the part of the Colonial Office to afford the information required. It seems, however, that it was thought better to withhold them until they could appear along with the complete defence upon which the Company and the Colonial Office intend to rely. This is, to say the least, an unprecedented proceeding.

One of these papers, a Report from Captain Gordon, late of H.M.S. Cormorant, respecting the coal in Vancouver's Island, Mr. Martin ushers in with the observation that Captain Gordon "has expressed a decided opinion in favour of the Hudson's Bay Company, with whose proceedings he was well acquainted." As this question has become, in a great measure, one of authority, it is necessary to state that Captain Gordon has never expressed any opinion of the kind. It would probably be difficult to find any officer who has been on that coast who would express such an opinion. The Colonial Minister is at any rate perfectly aware that some officers who have been on that coast, have taken, and expressed in the strongest terms, a contrary view.

The largest portion of the publication referred to consists of quotations from various authors, with the object of proving the generosity and benevolence of the Company towards the native Indian population, and the mildness and justice of its government towards all who are subjected to its sway.

A large array of authorities is adduced, to prop up the character of the Company against the attacks which it has recently received; and the inference intended to be drawn is this,—that the Company has well and wisely used the powers that it has possessed, for the benefit, equally of this country, and of that over which those powers extend.

The Hudson's Bay Company have made the question one of authority, and they have based their case upon the testimony of the following works:—

1. The Report of the Aborigines Parliamentary Committee in 1837.
2. The Journal of the Bishop of Montreal to the Red River, in 1844.
3. The Annual Reports of the Church Missionary and Wesleyan Missionary Societies.
4. The official Narrative of Commodore Wilkes, U.N.S., from 1838 to 1842.

5. The History of Oregon and California, by Mr. Robert Greenhow.

6. A Journey beyond the Rocky Mountains, in 1835, 6, 7, by the Rev. S. Parker, A.M.

7. A Statement of the Earl of Selkirk's Settlement in North America.

8. Narrative of the Discoveries on the North Coast of America, 1836-9, by Messrs. Dease and T. Simpson.

9. Hearne's Journeys to the Northern Ocean, 1769-72.

10. Dr. Rae's Exploration of the Coasts of the Arctic Regions.

11. Sir George Simpson's Overland Journey round the World in 1841-2.

Now we may assume that everything which can be stated in favour of the Hudson's Bay Company, has been brought together, from every source from which any such favourable testimony was to be derived. How much has been suppressed which afforded testimony of another description, we shall presently see. Of the above writings, however, we may remark in the first instance, that Commodore Wilkes, Mr. Greenhow, and Mr. Parker, were Americans, and all the rest were servants of the Hudson's Bay Company, with the exception of the

Bishop of Montreal. From the Bishop's Journal, as well as from the Aborigines Committee, and from the Reports of the Church and Wesleyan Missionary Societies, we shall have to derive information of a very different character from that suggested by the quotations in Mr. Martin's book. It is unnecessary, of course, to say that in a case where the character of themselves and of their masters is concerned, evidence from the servants of the Hudson's Bay Company cannot be taken without suspicion, if not of an intention to deceive, at any rate of so strong bias in their own favour as entirely to destroy its value. We shall, however, be able to gather quite enough from the writings of these gentlemen to alter the view which has been laid before the public.

It is most important to bear in mind the relative value which must attach to evidence from different quarters, on a question of this nature. The power of the Hudson's Bay Company over hundreds of thousands of miles of the North American continent is unlimited. Into those remote regions few ever penetrate but the servants of the Company. There is hardly a possibility of obtaining any evidence whatsoever, which does not come in some way through their hands, and which is not

more or less tainted by the transmission. The iron rule which the Company holds over its servants and agents, and the subtle policy which has ever characterised its government, have kept those regions almost beyond the knowledge of the civilised world, or of any but the few who guide the affairs and transact the business of the Company. While, then, nothing would be, apparently, more easy than to array a host of witnesses in favour of the operations of the Company, it would not be a matter of surprise if little or no evidence could be obtained to dispute such testimony; and additional weight must be attached to those incidental notices which can be gathered here and there, and which throw a glimmering and suspicious light on the whole of the Company's transactions.

Of the American writers to whose testimony so much weight has been attached, it is as well to know that they had good reasons for forming a favourable opinion of the operations of the Company.

Whatever may be the justice of the claim which the Company assert, to the gratitude of the Indian races, and of the settlers in their territories, the United States have, at any rate, a debt, which they seem inclined to acknowledge, as long as the payment can be made in nothing more valuable than

words. We shall presently see of how much use the Company was to this country, in the settlement of the boundary to the westward of Lake Superior; and that, had that Corporation asserted the privileges of their Charter against American claims, as vigorously as they have ever opposed them to British liberties, the boundary between the United States and British North America would never have been settled along the 49th parallel.

It has often been asserted, and is to a great extent believed, because there is very little general information on this subject, that the claim which Great Britain made to the Oregon territory was dependent upon, or, at any rate, strengthened by, the settlements of the Hudson's Bay Company on the Columbia River.

Those who hold such an opinion will be surprised to learn that there are many—and they well acquainted with the country itself—who assert that the conduct and policy of the Hudson's Bay Company in the Oregon territory formed the chief part of the title which the United States had to the country which was gratuitously given to her by the settlement of the boundary. What the United States owe to the Company for its policy on the west side of the Rocky Mountains, is a question to

which the English public will some day demand a satisfactory answer. But it is right that the public should know what the Company are charged with having done in those parts.

Dr. M'Laughlin was formerly an Agent in the North West Fur Company of Montreal; he was one of the most enterprising and active in conducting the war between that Association and the Hudson's Bay Company. In the year 1821, when the rival companies united, Dr. M'Laughlin became a factor of the Hudson's Bay Company. But his allegiance does not appear to have been disposed of along with his interests; and his sympathy with anything other than British, seems to have done justice to his birth and education, which were those of a French Canadian.

This gentleman was appointed Governor of all the country west of the Rocky Mountains; and is accused, by those who have been in that country, of having uniformly encouraged the emigration of settlers from the United States, and of having discouraged that of British subjects.

While the Company in this country were asserting that their settlements on the Columbia River were giving validity to the claim of Great Britain to the Oregon territory, it appears, that their chief

officer on the spot was doing all in his power to facilitate the operations of those, whose whole object it was to annihilate that claim altogether.

There is one story told, about which it is right that the truth should be ascertained. It is said that a number of half-breds from the Red River settlement were, in the year 1841, induced by the Company's officers to undertake a journey entirely across the continent, with the object of becoming settlers on the Columbia River.

It appears that a number went, but on arriving in the country, so far from finding any of the promised encouragement, the treatment they received from Dr. M'Laughlin was such, that, after having been nearly starved under the paternal care of that gentleman, they all went over to the American settlement on the Wallamette valley.

These emigrants became citizens of the United States, and, it is further said, were the first to memorialize Congress to extend the power of the United States over the Oregon territory.

For the truth of these statements we do not of course vouch. But we do say they demand inquiry.

Dr. M'Laughlin's policy was so manifestly American, that it is openly canvassed in a book written by Mr. Dunn, one of the servants of the

Company, and written for the purpose of praising their system and policy.

Sir Edward Belcher also alludes to this policy. He says,—

“Some few years since, the Company determined on forming settlements on the rich lands situated on the Wallamette and other rivers, and for providing for their retired servants by allotting them farms, and further aiding them by supplies of cattle, &c. That on the Wallamette was a field too inviting for missionary enthusiasm to overlook; but instead of selecting a British subject to afford them spiritual assistance, recourse was had to Americans—a course pregnant with evil consequences, and particularly in the political squabble pending, as will be seen by the result. No sooner had the American and his allies fairly squatted,—(which they deem taking possession of the country,) than they invited their brethren to join them, and called on the American Government for laws and protection.”*

A great deal of importance is attached to the account given by Commodore Wilkes, U.S.N., of the operations of the Hudson's Bay Company on the north-west coast; and it is inferred that testimony, coming from such a quarter, is doubly in favour of the Company.

Nothing, indeed, can be higher than the terms in

* Narrative of a Voyage round the World, &c., by Captain Sir Edward Belcher, R.N. London. 1843. Vol. i., p. 297.

which Captain Wilkes speaks of the Hudson's Bay Company's chief factor, Dr. M'Laughlin, and of the welcome he met, and the hospitality he experienced, during his stay upon the coast.

Captain Wilkes was far too sensible and discriminating a man, not to see, plainly enough, whose game Dr. M'Laughlin was playing. But there is something strange, if we turn from the perusal of Captain Wilkes's narrative, and the description of the facilities which were ever afforded him, to the following passage from Sir Edward Belcher's voyage.

The difference of the reception which a frigate of the United States Navy met with, from that which one of Her Majesty's ships experienced, is a most suspicious fact, as suggesting the *animus* of the Company's agents upon the north-west coast. Sir Edward Belcher says,—

“The attention of the Chief to myself, and those immediately about me, particularly in sending down fresh supplies, previous to my arrival, I feel fully grateful for ; but I cannot conceal my disappointment at the want of accommodation exhibited towards the crews of the vessels under my command, in a British possession.

“We certainly were not distressed, nor was it imperatively necessary that fresh beef and vegetables should be supplied, or I should have made a formal demand. But as regarded those who might come after, and not improbably myself among the number, I

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inquired in direct terms what facilities Her Majesty's ships of war might expect, in the event of touching at this port for bullocks, flour, vegetables, &c. I certainly was extremely surprised at the reply, that 'they were not in a condition to supply.'

"As any observation here would be useless, and I well knew this point could be readily settled, where authority could be referred to, I let the matter rest. But having been invited to inspect the farm and dairy, and been informed of the quantity of grain, and the means of furnishing flour, and notwithstanding the profusion of cattle and potatoes, no offer having been made for our crew, I regretted that I had been led into the acceptance of private supplies; although, at that time, the other officers of the establishment had told my officers that supplies would, of course, be sent down."*

The American policy of the Hudson's Bay Company would seem from the above facts, to be more than a matter of suspicion.

It is very easy to say, these are all idle tales: they are tales—but such tales, that Parliament ought to make a searching investigation into their truth. This much at least is certain;—that Dr. M'Laughlin provided for himself a very large tract of land, on what title no one knows; that he formed a considerable farm in what was certain to become American territory, and that he encouraged the immigration of settlers from the United States, well knowing that his own property would thus be raised

* Vol. i., p. 296.

in value. It is certain that he has now left the Hudson's Bay Company, and has become *nominally*, what he seems to have been for years, *really*—an *American citizen*, living in the midst of an American population, which he collected round him, upon soil, to which he knew that his own country had, all along, laid claim.

Nothing but a Parliamentary investigation will thoroughly test the value of these rumours.

It was necessary to state the above view, which many who are acquainted with the country take, in order to explain why American writers should entertain a favourable opinion of the Hudson's Bay Company; and what that opinion is worth, as bearing on the question before us.

With respect to the Bishop of Montreal's evidence it will be necessary to speak hereafter; but it must not be forgotten that His Lordship was never further in the Company's territories than the Red River, that is, on the extreme verge; and that all his information as to the rest of the country was derived from what the servants of the Company told him.

And, indeed, there is scarcely any evidence at all laid before the public of what is going on throughout the whole of the territories under the Company's government. For nothing can be more false than

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the idea that the condition of the Red River Colony, or of the settlements on the north-west coast, affords any information of what is going on throughout the vast continent which separates those two localities, and stretches away to the North Pole.

This much has been said, in order to guard those who take an interest in this question, against being imposed upon by the array of authority which has been set up, in order to blind the public to the real character of that system of iniquity which pervades the whole continent of North America, under the sway of the Hudson's Bay Company.

The convictions here expressed have forced themselves upon my mind, in the course of researches which circumstances induced me to make, in spite of the belief which I held in common with all who take for granted what the Company put forward as fact. They are convictions which have strengthened and deepened at every step of the inquiry; convictions that the system of the Hudson's Bay Company has entailed misery and destruction upon thousands throughout the country, which is withering under its curse; that it has cramped and crippled the energies and enterprise of England, which might have found occupation in the directions from which they are now excluded; that it

has stopped the extension of civilization, and has excluded the light of religious truth ; that it has alienated the hearts of all under its oppression, and made them hostile to their country : above all, that the whole and entire fabric is built upon utterly false and fictitious grounds ; that it has not one shadow of reality in law or in justice ; that there is not the smallest legal authority for any one of the rights which this Corporation claim. It is this conviction which has urged me to submit the statements and arguments contained in the following pages to the consideration of the public, and to arraign before that tribunal, from which in these days there is no escape—the judgment of public opinion—a Corporation, who, under the authority of a Charter which is invalid in law, hold a monopoly in commerce, and exercise a despotism in government, and have so used that monopoly and wielded that power, as to shut up the earth from the knowledge of man, and man from the knowledge of God.

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CHAPTER II.

OF THE CHARTER OF THE HUDSON'S BAY COMPANY, IN RESPECT TO THE VALIDITY OF THE GRANT OF THE SOIL OF RUPERT'S LAND.

There are three subjects which must be noticed in order :—

First. The Charter of the Hudson's Bay Company.

Secondly. The evil results of that Charter.

Thirdly. The extension of all those results which will follow from the proposed addition of Vancouver's Island to the territories of the Company.

The present and three following chapters will be devoted to the Charter itself. It would be superfluous to reprint that document at full length: it may be found in the Parliamentary Paper, 547, ordered to be printed 8th August, 1842, and has just been reprinted in the work above referred to, which bears Mr. M. Martin's name.

It must be admitted that the criticisms to which it has lately been subjected, have not deprived it of any of the obscurity which it has ever enjoyed, and

of which its possessors have taken such wonderful advantage.

This mysterious deed is now held up to our admiration, and we are expected to fall down and worship it, as one of the ancient institutions of the country, which demands all the respect and homage of loyalty. We are informed that all the rights, powers, privileges, and possessions, which it professes to bestow, are as much the property of the grantees, as any property which an Englishman calls his own; we are further told that this Charter has received the repeated sanction of successive Sovereigns, of Parliament, and of Foreign States.

We shall proceed to investigate the justice of these pretensions, and to inquire the meaning and object of the Charter, in order to discover, if possible, to what extent it is valid and legal, and to what extent a presumptuous and mischievous usurpation.

The preamble of the Charter states that whereas certain parties had "at their own cost and charges undertaken an expedition for Hudson's Bay, in the north-west part of America, *for the discovery of a new passage into the South Sea, and for finding some trade for furs, minerals, and other considerable commodities, &c.*: Now know ye, that, we

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being desirous to promote all endeavours tending to the public good of our people, and to encourage *the said design*, have * * granted," &c.

The end and object of this Charter being granted is clearly set forth. It is for the promotion of the *public good*, and for the encouragement of the design of the parties for whose benefit it was granted, viz., "the discovery of a new passage into the South Sea"—that is the primary object which the Crown had in view; and "for finding of some trade in furs, minerals, and other considerable commodities"—which is added as subordinate in point of public importance.

The Charter in the first instance dictates the constitution of the Company, and creates it into a regular Corporation; and as to this part, there exists no difference of opinion. The Hudson's Bay Company is, doubtless, a Chartered Corporation, as much as any at present existing.

The question is,—What was given and granted to this Corporation after it had been created?

Now the privileges granted are of *three distinct kinds*.

First. The privilege of exclusive trade, throughout certain territories, which the Charter professes to describe, and which it calls "*Rupert's Land*."

Secondly. The property and lordship of the soil of Rupert's Land.

Thirdly. The privilege of exclusive trade with all countries into which the Company *might find access by land or water* out of Rupert's Land.

These three grants are contained in the following words of the Charter :—

1. " We do give, grant, and confirm, unto the said Governor and Company, and their successors, the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks, and sounds, in whatsoever latitude they shall be, that lie within the entrance of the straits commonly called Hudson's Straits."

2. " Together with all the lands and territories upon the countries, coasts, and confines of the seas, bays, lakes, rivers, creeks, and sounds aforesaid, that are not already actually possessed by or granted to any of our subjects, or possessed by the subjects of any other Christian Prince or State, with the fishing of all sorts of fish, whales, sturgeons, and all other royal fishes in the seas, bays, inlets, and rivers within the premises, and the fish therein taken, together with the royalty of the sea upon the coasts within the limits aforesaid, and all mines royal, as well discovered as not discovered, of gold, silver, gems, and precious stones, to be found or discovered within the territories, limits, and places aforesaid; and that the said land be from henceforth reckoned and reputed as one of our plantations or colonies in America. called Rupert's Land."

3. " And furthermore, we do grant unto the said Governor and Company, and their successors, that they and their successors, and their factors, servants, and agents, for them and on their behalf, and not otherwise,

shall for ever hereafter have, use, and enjoy, not only the whole, entire, and only trade and traffic, and the whole, entire, and only liberty, use, and privilege of trading and trafficking to and from the territory, limits, and places aforesaid ; but also the whole and entire trade and traffic to and from all havens, bays, creeks, rivers, lakes, and seas, into which they shall find entrance or passage by water or land out of the territories, limits, and places aforesaid ; and to and with all the nations and people inhabiting or which shall inhabit within the territories, limits, and places aforesaid ; and to and with all other nations inhabiting any of the coasts adjacent to the said territories, limits, and places which are not already possessed as aforesaid, or whereof the sole liberty or privilege of trade or traffic is not yet granted to any other of our subjects."

The three things granted, then, are, arranging them, for the sake of convenience, in a different order,—

1. The territorial lordship of Rupert's Land.
2. The exclusive trade of Rupert's Land.
3. The exclusive trade with all other parts to which access might be obtained thence by land or water.

The first question is, Where is Rupert's Land ? Had those who framed the Company's Charter had the benefit of the maps now extant, they would, no doubt, have made use of such language that we should have been able to form some idea ; but as the matter stands, that is quite impossible. The

words by which Rupert's Land is described, are—
 "All those seas, straits, bays, &c., in whatsoever latitude they shall be, that lie within the entrance of the straits commonly called Hudson's Straits, together with all the lands and territories upon the countries, coasts, and confines of the seas, &c., aforesaid, that are not already actually possessed, or granted to any of our subjects, or possessed by the subjects of any other Christian Prince or State."

Now, it is quite impossible to say what are the limits of the country which the Crown intended, by the above language, to include in the colony of Rupert's Land.

Indeed, it is manifest that the Crown was entirely ignorant of the geography of the country which it was thus granting away; and that, in the want of any accurate information as to what country did exist within the Hudson's Straits, it betook itself to the indefinite language above quoted. It is not here disputed, that it is within the prerogative of the Crown to grant away the waste lands of its colonial possessions, without the intervention of Parliament; the right to do so is exercised up to the present hour. The doubt as to the validity of the grant in question does not arise from any dispute as to the power of the Crown to make such a grant,

but from the language in which the grant is made being utterly unintelligible. Who can say what is meant by the words, "All the lands and territories upon the countries, coasts, and confines of the seas, &c., that lie within the Hudson's Straits?"

For a century and half after the grant was made, the Company never dreamt of asserting its privileges in the sense in which it has been attempted for the last half century to interpret them. The claim now made is, that the words of the grant include all the country the waters of which fall into Hudson's Bay; and an opinion is quoted, which was given by Romilly, Holroyd, Cruse, Scarlett, and Bell, to the effect, that "the grant of the soil contained in the Charter is good, and that it will include all the countries the waters of which flow into Hudson's Bay."

The value of counsel's opinion in a case like the present, depends, in a great measure, on the wording of the case drawn. Now, the case drawn is before us; and, it may be remarked, that a more singularly cautious opinion was never given, than that of the illustrious lawyers above mentioned. Certain questions were proposed to them, in such language as to avoid many of the disputed points between the Company and their opponents, and the

counsel, in giving their opinion, confine themselves almost entirely to the words of the case drawn for them. And, indeed, whenever their language differs from that of the case, it is, singularly enough, to enforce on their clients the necessity of extreme caution in exercising the powers which they claimed.

With respect, however, to the particular part of the opinion referred to, that the grant to the Hudson's Bay Company will include "all the countries the waters of which flow into Hudson's Bay," we have given, in the annexed map, an outline, as near as can be ascertained, of what would be the extent of Rupert's Land, according to such an interpretation of the Charter.

The waters from the centre of the continent of North America east of the Rocky Mountains, flow in four directions—into the Arctic Ocean, into Hudson's Bay, into the St. Lawrence, and into the Gulf of Mexico. The strong line in the accompanying map is drawn, as nearly as can be ascertained, along the high lands from which the waters descend, in the above several directions; and if the interpretation of the Charter given above be sound, all the land within the strong line in the map must belong to the Hudson's Bay Company, as sole lords and proprietors.

This is the claim of the Company under their Charter.

This is, at least, the ordinary claim ; but there is an ultramontane doctrine respecting the property of the Hudson's Bay Company, as well as respecting the infallibility of the Pope.

And thus, when they are in good spirits, we find the Company make a much larger claim than even the above—a claim at which Mr. M. Martin mysteriously hints, when he says, "This opinion," speaking of the opinion of the counsel above referred to, "does not define *how much more territory may be included in right of the Charter.*"

Sir J. Pelly says, before the Committee of the House of Commons to inquire into the Condition of the Aborigines, "The power of the Company extends all the way from the boundaries of Lower and Upper Canada, away to the North Pole, as far as the land goes, and from the Labrador coast all the way to the Pacific Ocean."

Another account of the claim of the Company under their Charter is given by Mr. Martin, (p. 5,) where he says, "From the correspondence of the 7th September and 30th October, 1846, laid before Parliament 10th August, 1848, it would appear that the Crown considered the Rocky Mountains as

the eastern boundary of the territory over which the Hudson's Bay Company have exclusive right of trading with the natives for twenty-one years from the 13th May, 1838;" that is to say, (since the grant of exclusive trade comprises all "the Indian territories," *i. e.*, the territories without the British plantations or colonies, of which Rupert's Land is one,) the Rocky Mountains are the western boundary of Rupert's Land.

Hence it is manifest, that it is impossible to assign any definite limits to the country granted to the Hudson's Bay Company under their Charter, without recourse to a Court of Law, or to an Act of Parliament.

The opinion given by the eminent lawyers, quoted above, was not the only one taken at the time when the question arose, as to the right of the Company to make over a tract of land of 16,000 square miles to Lord Selkirk.

The North-West Company at that time brought the case before Sir Arthur Pigott, Serjeant Spankie, and Lord Brougham, who gave a most elaborate opinion on the whole case.

That part of it which relates to the grant of *the soil*, is as follows:—

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their grantee, Lord Selkirk, have extended their territorial claims much further than the Charter, or any sound construction of it, will warrant. Supposing it free from all the objections to which we apprehend it may, in other respects, be liable, the words of grant, pursuing the recital of the petition of the grantees, with a very trifling variation, and with none that can affect the construction of the instrument, are, of 'the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks, and sounds, in whatever latitude they shall be, that lie within the entrance of the straits commonly called Hudson's Straits, together with the lands and territories upon the countries, coasts, and confines of the seas, bays, lakes, rivers, creeks, and sounds aforesaid,' that is, within the Straits; and these limits are frequently referred to in the subsequent parts of the Charter, and always referred to throughout the Charter as the 'limits aforesaid.'

"There is, indeed, an extension of the right of trade, and His Majesty grants that the Company 'shall for ever hereafter have, use, and enjoy, not only the whole entire and only liberty of trade and traffic, and the whole entire and only liberty, use, and privilege of trading and traffic to and from the territories, limits, and places aforesaid, but also the whole and entire trade and traffic to and from all havens, bays, creeks, rivers, lakes, and seas, *into which* they may find entrance or passage by water or land, out of the territories, limits, and places aforesaid, and to and with all the natives and people, inhabitants, or which shall inhabit within the territories, limits, and places aforesaid, and to and with all other nations inhabiting any of the *coasts adjacent* to the said territories, *limits*, and places aforesaid, which are not already possessed as aforesaid.'

"It is plain, therefore, that the territorial grant was

not intended to comprehend *all* the lands and territories that might be approached *through Hudson's Straits*, by land or water. The territorial grant then appears to be limited by the relation and proximity of the territories to Hudson's Straits. The general description applying to the whole, is the seas, &c. that lie within Hudson's Straits, and the land, &c., upon the countries, coasts, and confines of the seas, &c., that is, *reddendo singula singulis*, the lands *upon* the countries, coasts, and confines of each of the seas, rivers, &c., naturally including such a portion of territory as might be reasonably necessary for the objects in view; but it is not a grant of all the lands and territories in which the seas, rivers, &c., lie or are situated, or which surround them to any indefinite extent or distance from them. Still less is it a grant of all the lands and territories lying between the seas, straits, rivers, &c., though many hundred or thousand miles or leagues of lands and territories might lie between one sea, strait, river, lake, &c., and another sea, strait, river, lake, &c., and though the quantity of land comprised in this interior situation, and far distant from any coast or confine of the specified waters, might exceed in dimensions the extent of many existing powerful kingdoms or states. *Within* the Straits, must mean such a proximity to the Straits as would give the lands spoken of a sort of affinity or relation to Hudson's Straits, and not such lands as from their immense distance, (in this case the nearest point to Hudson's Bay being 700 miles, and from thence extending to a distance of 1,500 miles from it,) have no such geographical affinity or relation to the Straits, but which are not even approached by the Canadians through or by the Straits in question. The whole grant contemplates the Straits as the access to the lands and territories therein referred to; and as there is no boundary specified, except by the description of the coasts and confines of the places mentioned, that

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is, the coasts and confines of the seas, &c. within the Straits, such a boundary must be implied as is consistent with that view, and with the professed objects of a trading Company intending, not to found kingdoms and establish states, but to carry on fisheries in those waters, and to trade and traffic for the acquisition of skins and peltries, and the other articles mentioned in the Charter ; and in such a long tract of time as nearly 150 years now elapsed since the grant of the Charter, it must now be, and must, indeed, long since have been, fully ascertained by the actual occupation of the Hudson's Bay Company, what portion or portions of lands and territories in the vicinity, and on the coasts and confines of the waters mentioned and described as within the Straits, they have found necessary for their purposes, and for forts, factories, towns, villages, settlements, or such other establishments in such vicinity, and on such coasts and confines as pertain and belong to a Company instituted for the purposes mentioned in their Charter, and necessary, useful, or convenient to them within the prescribed limits for the prosecution of those purposes. The enormous extensions of land and territory now claimed, appears, therefore, to us, not to be warranted by any sound construction of the Charter ; and if it could be so, we do not know where the land and territory of the Hudson's Bay Company, granted by this Charter terminates, nor what are the parts of that vast continent on which they have taken upon them to grant 116,000 miles of territory, exempted from their proprietorship under their Charter.

“ Indeed, there may be sufficient reason to suppose that the territories in question, or part of them, had been then visited, traded in, and in a certain degree occupied by the French settlers or traders in Canada, and their Beaver Company erected in 1630, whose trade in peltries was considerably prior to the date of the

Charter. These territories, therefore, would be expressly excepted out of the grant; and the right of British subjects in general to visit and trade in these regions, would follow the national rights acquired by the King, by the conquest and cession of Canada, and as enjoyed by the French Canadians previous to that conquest and cession.

“No territorial right, therefore, can be claimed in the districts in question; and the *exclusive* trade there cannot be set on the virtue of the Charter, these districts being remote from any geographical relation to Hudson's Bay, and to the Straits; and not being in any sense *within the Straits*, and not being approached by the Canadian traders, or other alleged interlopers, through the interdicted regions, of course, no violence to, or interruption of, trade, could be justified there, under these territorial claims.”

Such is the present state of the legal opinions as to the validity of the claims of the Hudson's Bay Company. The opinion just quoted is entitled to respect, not only from the distinguished names attached to it, but because it is given by men who had evidently carefully considered the whole question: their conviction was, that the Red River could in no sense be included in Rupert's Land; and that such an exaggerated interpretation of the language of the Charter was manifestly not contemplated by the grant itself.

At any rate, quite sufficient has been said to shew that the question must be referred to a Court

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of Law, in order that the property of the Company, if any exist at all, be clearly defined.

But the obscurity of the wording of this Charter is not the only objection that may be taken to it. The history of the times, the nature of the grant, and the conduct of the Company themselves, all supply many reasons for believing that the grant of these privileges and property to the Hudson's Bay Company *is invalid from beginning to end*: and that nothing more is wanting than a trial at law, or an investigation of Parliament, to blow it entirely away.

In the first place, looking at the history of the times, there is strong reason to doubt whether, when King Charles II. signed this Charter, the country which afforded the materials for His Majesty's generosity to display itself, without injury to his exhausted Exchequer, belonged to the Crown of England at all.

The question as to the rights of England and France respectively to the territory of the Hudson's Bay was in dispute for many years before, and was never decided until many years after 1670, the date of the Charter: it was never finally settled until the Treaty of Utrecht, 1713.

The mere laying claim to a country does not prove *a title* to it, otherwise the title of the French

would be clear; for that power asserted her right to the whole coast of North America as far as the pole.

It is important to recollect, that the fact of countries having come into the possession of England in specific modes, and at stated periods, such as by war, treaty, or otherwise, in no way proves the validity of the *claim, before such settlement*: what we assert is, that at the date of the Hudson's Bay Company's Charter, and for many years afterwards, the territories of the Hudson's Bay belonged to France, or at any rate, most unquestionably, quite as much to France as to England.

Charles II. himself seems to have been in doubt as to what did or did not belong to him, because he excludes from the grant made to the Company, "*all the lands, territories, &c., at that time possessed by any other Christian Prince or State.*"

There is no doubt that France laid claim to the Hudson's Bay territories. As early as the year 1598, letters patent were granted by Henry IV. of France, to Sieur de la Roche, appointing him Lieutenant-Governor over the countries of "Canada, Hochelaga, Terresneuves, Labrador, [a part of the territories claimed by the Hudson's Bay Company,] and the river of the great bay of Norrembegue," &c.*

* Edits, &c., vol. ii., p. 5, see note p. 38.

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There are numerous documents of a similar kind, proving that the French Crown laid claim to these territories ; but, passing over others, we may mention that, in the year 1627, a Company was established, entitled " La Compagnie de la Nouvelle France," to which a Charter was granted, entitled " Acte pour l'établissement de la Compagnie des cent Associes pour le commerce du Canada, Contenant les articles accordés à la dite Compagnie, par M. le Cardinal de Richelieu, le 29 Avril, 1627."

The 4th and 7th Articles of this Charter are in the following terms:—

" IV. Et pour aucunement récompenser la dite Compagnie des grands frais et avances qu'il lui conviendra faire pour parvenir à la dite peuplade, entretien et conservation d'icelle Sa Majesté donnera à perpétuité aux dits cent associés, leurs hoirs et ayans cause, en toute propriété, justice et seigneurie, le fort et habitation de Quebec, avec tout le dit pays de *la Nouvelle France*, dite *Canada*, tant le long des côtes depuis la Floride, que les predecesseurs Rois de Sa Majesté ont fait habiter, en rangeant les côtes de la mer jusqu' au cercle Arctique pour latitude et de longitude depuis l'Isle de Terre-neuve tirant à l'ouest, jusqu' au grand lac, dit la mer douce, et au dela, que dedans les terres et de long des rivieres qui y passent, et se dechargent dans le fleuve appellé Saint Laurent, autrement la grande rivierre de Canada, et dans tous les autres fleuves qui les portent à la mer, terres, mines, minieres, pour jouir toutefois des dites mines conformement à l'ordonnance, ports et havres, fleuves, rivieres, étangs, isles, islots et

généralement toute l'étendue du dit pays au long et au large et par de la, tant et si avant qu'il pourront étendre et faire connoître le nom de Sa Majesté, ne se réservant Sa dite Majesté, qui le ressort de la foi et hommage qui lui sera portée, et a ses successeurs Rois par les dits associés on l'un d'eux, avec une couronne d'or du poids de huit marcs a chaque mutation de Rois, et la provision des officiers de la justice souveraine qui lui seront nommés et présentés par les dits associés lorsqu'il sera jugé a propos d'y en établir : permettant aux dits associés faire fondre canons, boulets, forger toutes sortes d'armes offensives et défensives faire poudre à canon, bâtir et fortifier places et faire généralement ès dits lieux toutes choses nécessaires, soit pour la sûreté du dit pays, soit pour la conservation du commerce.

“ VII. Davantage Sa Majesté accordera aux dits associés, pour toujours, le trafic de tous cuirs, peaux et pelleterie, de la dite Nouvelle France ; et pour quinze années seulement à commencer au premier jour de Janvier de l'année 1628, et finissant au dernier Décembre que l'on comptera 1643, tout autre commerce soit terrestre ou naval, qui se pourra faire, tirer, traiter et trafiquer, en quelque sorte et manière que ce soit en l'étendue du dit pays, et autant qu'il se pourra étendre ; à la réserve de la pêche des morues et baleines seulement que Sa Majesté veut être libre à tous ses sujets,” &c.*

Part of the country granted by this Charter of Louis XIII. is “*la Nouvelle France.*” L'Escarbot thus describes the boundaries of the country which was understood by that term:—

*Edits, Ordonnances Royaux, &c. concernant le Canada, publiés par ordre de Son Excellence Sir Robert Shore Milnes, Bart., Lieutenant-Governor of Lower Canada, en conséquence de deux Adresses de l'Assemblée, 5 and 7 March, 1801. Vol. i., pp. 3, 4.

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“ Ainsi notre Nouvelle France a pour limites du côté d'ouest, les terres jusqu' à la mer dite Pacifique, au deçà du Tropicque de Cancer ; au midi les iles de la Mer Atlantique du côté de Cube, et l'isle Hespagnole ; au Levant, la Mer du Nord qui baigne la Nouvelle France ; et au septentrion cette terre qui est dite in connue vers la mer glacée jusqu' au Pole Arctique : ”*

—almost the same words as those used by Sir J. H. Pelly, quoted before (p. 29).

This was the country which the French understood by the term “ la Nouvelle France ” at that time ; and by the Treaty of St. Germain-en Laye, in March 1632, Charles I. of England resigned to Louis XIII. of France the sovereignty of Acadia, New France, and Canada, generally and without limits, and particularly Port Royal, Quebec, and Cape Breton.†

Charlevoix says, in his History of New France,‡ in arguing the pretensions of the English to Hudson's Bay—

“ Il est certain que les Anglois ne possedoient rien aux environs de cette Baye, lorsqu' en 1656, le Sieur Bourdon y fut envoyé pour en assurer la possession à la France : cérémonie qui fut plusieurs fois renouvelée dans la suite.

“ Il est vraie qu' en 1663, deux transfuges Francois, nommes Groseilliers et de Radisson, pour se venger de je ne sçai quel me contentment, qu' on leur avait donne,

* Bouchette, note p. 3.

† Id., p. 4.

‡ Vol. i., pp. 476, 477.

conduisirent des Anglois dans la Riviere de Nemiscau, qui se décharge dans le fond de la Baye, et qui ceux-ci bâtirent a l'embouchure de cette rivierre, un fort, qui fut nomme Rupert : que'dans la suite ils en construisirent un second chez les Monsonis, et puis un troisième a Quitchitchouen ; *mais on regarda en France, et en Canada ces enterprises comme des usurpations.*"

There is no question then as to the *claim* of France to the country in question, and we shall presently see that their claim was admitted by England at a subsequent period.

Not only was it claimed, however, but it appears to have been actually occupied by the French. The French Fur Company of Quebec, established forty years before the Hudson's Bay Company, appear to have traversed the whole of the country which the Hudson's Bay Company now claim, and yet from which they are especially excluded under their own Charter. For many years, when the English Company never ventured to leave the shores of the Bay, when the whole of their establishments consisted of four or five insignificant forts on its shores, the voyageurs of the French Company were traversing the whole of the country north-west of the Canadas, as far, it is said, as the Saskatchewan river.

That the question, as to which Crown had a right to Hudson's Bay, was not settled at that time, is clearly proved by the Treaty of Ryswick, by which

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it was provided that Commissioners should be appointed on both sides "to examine and determine *the rights* and pretensions, which either of the said Kings hath to the places situated on Hudson's Bay." Up to this date, then, it was still uncertain whether the country now called Rupert's Land belonged to France or England.

It is quite obvious that no grant of territory can be valid, if the land in question were not the property of the donor at the time of making the gift. There are, then, at first, two valid objections to the rights of the Hudson's Bay Company, on these two grounds:—First, that the country in question did not belong to the Crown of England, and, therefore, could not be legally made the subject of a grant;—secondly, that it was, for the most part, prior to the date of the Charter, possessed by the subjects of *another Christian Prince*, and, therefore, is especially excluded from the limits of the grant, by the words of the Charter itself.

But however this may have been the case, the Treaty of Ryswick, signed in September 1697, made over to France a very large part, if not the whole, of the territory now claimed by this obsolete Charter; and, therefore, the rights of the Company, supposing them to have been valid before, were

effectually extinguished, since no reservation in their favour was made by the treaty.

Charlevoix says, "Pour ce qui est de la Baye d' Hudson, elle nous resta toute entiere *parceque nous en etions les possesseurs actuels.*"*† And Mr. Bancroft, in his History of the United States, thus records the result of this treaty :—

"In America, France retained all Hudson's Bay, and all the places of which she was in possession at the beginning of the war; in other words, with the exception of the eastern moiety of Newfoundland, France retained the whole coast and adjacent islands from Maine to beyond Labrador and Hudson's Bay, besides Canada and the valley of the Mississippi."†

The clauses of the Treaty of Ryswick which refer to the disputed territories in Hudson's Bay, are as follows :—

"VII. The Most Christian King shall restore to the said King of Great Britain, all countries, islands, forts, and colonies, wheresoever situated, which the English did possess before the declaration of this present war; and in like manner, the King of Great Britain shall restore to the Most Christian King all countries, islands, forts, and colonies, wheresoever situated, which the French did possess before the said declaration of war; and this restitution shall be made on both sides within the space of six months, or sooner, if it can be done: and to that end, immediately after the ratification of this treaty, each of the said Kings shall deliver, or cause to be delivered to the other, or to Commissioners au-

* Charlevoix, vol. ii., p. 236.

† Vol. ii., p. 192.

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thorised in his name for that purpose, all acts of concession, instruments, and necessary orders, duly made and in proper form, so that they may have their effect.

“VIII. Commissioners shall be appointed on both sides to examine and determine the rights and pretensions which either of the said Kings hath to the places situated in Hudson's Bay. But the possession of those places which were taken by the French during the peace that preceded this present war, and were retaken by the English during this war, shall be left to the French by virtue of the foregoing Article. The capitulation made by the English on the 5th September, 1696, shall be observed according to its form and tenor; merchandises therein mentioned shall be restored; the Governor of the fort there shall be set at liberty, if it be not already done. The differences arisen concerning the execution of the said capitulation, and the value of the goods there lost, shall be adjudged and determined by the said Commissioners, who immediately after the ratification of the present treaty, shall be invested with sufficient authority for settling the limits and confines of the lands to be restored, on either side, by virtue of the foregoing Article, and likewise for exchanging of lands as may conduce to the mutual interest and advantage of both Kings. And to this end the Commissioners so appointed shall, within the space of three months from the time of the ratification of the present treaty, meet in the City of London; and within six months, to be reckoned from their first meeting, shall determine all differences and disputes which may arise concerning this matter: after which, the Articles the said Commissioners shall agree to, shall be ratified by both Kings, and shall have the same force and vigour as if they were inserted word for word in the present treaty.”*

* A General Collection of Treatises, in 4 vols. 8vo. London. 1710. Vol. i., p. 304.

Hence we see, that Commissioners are to be appointed to examine and determine the rights and pretensions which either of the said Kings hath to the places situated on Hudson's Bay, except *those parts which were taken by the French during the peace which preceded the war; which parts are to belong to France.* It is not possible to conceive a more distinct acknowledgment than is here made, of the right which the French had to, at least, half the coasts of the Bay. In a time of profound peace between the two countries, an expedition is sent from Canada, commanded by Chevalier de Troyes. He takes the forts which were established by the English, and drives away their possessors; and he does so upon the plea that the country occupied by these forts was part of the dominions of his Sovereign. The forts were those built by the Hudson's Bay Company, and were situated on James' Bay and Hudson's Bay; and at the conclusion of the war, it is declared, by an express article in the Treaty of Peace between France and England, that the country so captured, although retaken, shall be restored to the dominions of the French King. It is not possible to conceive a more distinct and national acknowledgment that those countries *did not belong to the Crown of England* at the time they

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were taken in the peace preceding the war ; nor, *a fortiori*, at an earlier period ; and thus it would seem to be manifest, that at least half the claim which the Company now make, is for a tract of country which is especially exempted from their Charter, as being at that period " possessed by the subjects of another Christian Prince." But, besides this, supposing for a moment that the whole of what is now called Rupert's Land, had been, in 1670, within the dominions of Great Britain ; that is to say, that the title of the French thereto, which England acknowledged by the peace of Ryswick, had been acquired by France subsequently to 1670, and before 1686, when the country was taken by De Troyes, all which is historically untrue ; yet, supposing for a moment such to be the case, and that the country now claimed as Rupert's Land were, at the time of the Charter, really within the dominions of the British Crown, it is perfectly manifest that the claim of the Hudson's Bay Company was effectually annihilated by the Treaty of Ryswick, because that country was then made over to France, and no kind of stipulation was added that the rights of that Company should be respected.

Had the rights of the Company been valid, there would have been a clear title to compensation, when

all their territories were made over to France. Certainly no one then heard of any claim, on the part of the Company, for compensation for the loss they would have sustained, had the boundaries between France and England remained according to the adjustment of that treaty : and yet, had such been the case, the claims of the Hudson's Bay Company would not have been heard of from that day to this. The country granted by Charles II. to the Hudson's Bay Company was definitely and unreservedly made over to France. The Commissioners appointed by this treaty do not appear ever to have met : but, if they had, there could have been no change in the argument in favour of the Company, as the Commissioners are expressly debarred from assigning to England the territory which had been taken by the French during the peace preceding the war, to which our argument relates ; although it is quite possible, that, had they met, they might have strengthened the argument in no small degree, by having assigned to France a still larger portion of the territory in question than the treaty itself most indisputably awarded her.

During the time which elapsed between the Treaty of Ryswick in 1696, and the Treaty of Utrecht in 1714, almost the whole of the Hudson's Bay

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territories remained in possession of the French. The Hudson's Bay Company do not appear to have had a single fort in the whole country, except Albany.

But by the Treaty of Utrecht the whole of Hudson's Bay was made over to England. England then possessed it for the first time, and it has continued in their possession ever since.

The articles in this treaty which refer to Hudson's Bay are as follows:—

“ The said Most Christian King shall restore to the Kingdom and Queen of Great Britain, to be possessed in full right for ever, the Bay and Straits of Hudson, together with all lands, seas, sea-coasts, rivers and places situate in the said Bay and Straits, and which belong thereunto, no tracts of land or of sea being excepted *which are at present possessed by the subjects of France*. All which, as well as any buildings there made, in the condition they now are, and likewise all fortresses there erected, either before or since the French seized the same, shall within six months from the ratification of the present treaty, or sooner if possible, be well and truly delivered to the British subjects, having commission from the Queen of Great Britain to demand and receive the same, entire and undemolished, together with all the cannon and cannon ball which are therein, as also with a quantity of powder if it be there found, in proportion to the cannon ball, and with the other provision of war usually belonging to cannon. It is, however, provided, that it may be entirely free for *the Company of Quebec, and all other the subjects of the Most Christian King whatsoever, to*

*go by land or by sea, whithersoever they please, out of the lands of the said Bay, together with all their goods, merchandizes, arms, and effects, of what nature or condition soever, except such things as are above reserved in this Article," &c.**

From this Article it plainly appears that what we have asserted before is true, viz., that a considerable part of Hudson's Bay was still in possession of the French—and especially the French Fur Company of Quebec.

We have shown then that the territories now claimed by the Hudson's Bay Company were possessed by the French before the date of the Charter, were made over to France formally, and with the strongest acknowledgment of her previous right to possess them, within thirty years after that date; and remained, to a great extent, in the possession of the French until the Peace of Utrecht, which finally gave the whole of Hudson's Bay to England. England then, for the first time, acquired an undoubted title to the country *by right of treaty*.

But the rights of the Hudson's Bay Company have been brought into collision not with those of France only, but with those of the United States of America.

* A General Collection of Treatises, in 4 vols. 8vo. London, 1723. Vol. iii, p. 431.

It will be seen, by looking at the map, that the waters of the Red River flow into Lake Winnipeg, and thence into Hudson's Bay. Upon the opinion quoted above, that the property of the Company includes all the countries the waters of which fall into Hudson's Bay, the whole territory, up to the source of the Red River, must belong to the Company. This tract of country, moreover, was of very great value to the Company: it was the most valuable bit of land in their whole dominions, because it was the farthest south, and in a milder climate than the rest; and, if the description which Mr. Martin gives of the general character of the Company's territories be not grossly exaggerated—(a good deal of exaggeration is admissible in a party book,)—if those countries be such that they “could not be maintained but for the possession of some more temperate regions from whence food is procurable,”* then the slip of land about the sources of the Red River must be the most valuable part of the Company's property.

But this bit is in the territories of the United States. How did it get there? When the boundary was settled in 1818, the Crown deliberately made over to a foreign power a part of its dominions which it

* P. 11.

had granted to its own subjects one hundred and fifty years before. More than this, this tract of which we are speaking was included in the grant of land made by the Company to Lord Selkirk: yet, the boundary, when it was settled, was driven through Lord Selkirk's land, slicing off a large part, and making it over to the United States. The Government, moreover, were not in ignorance that this part of the territory made over to the United States was within the limits of the country claimed by the Hudson's Bay Company under their Charter, and granted to Lord Selkirk; because Mr. M'Gillivray, writing to the Colonial Minister in the year 1815, respecting Lord Selkirk's colony, says,—

“The settlers, by proceeding up beyond the Forks of the Red River, have got to the southward of the latitude of 49° , so that if the line due west from the Lake of the Woods is to be the boundary with the United States of America, and if, contrary to my expectation, Lord Selkirk's colony should continue to flourish, it will not be a British but an American settlement, unless specially excepted in the adjustment of the boundary.”

Hence it appears that the British Government were perfectly aware that the country in question was claimed by the Hudson's Bay Company under their Charter, and yet that they did not scruple to give it up to the United States by the treaty,

without either demanding from the United States, or offering to the Hudson's Bay Company or to Lord Selkirk, any compensation whatever; and that neither the Hudson's Bay Company, or Lord Selkirk, ever made any claim for such compensation, although they asserted their property in the territory. This shews how far the Hudson's Bay Company thought the grant made in their Charter would bear the test of critical or legal scrutiny.

In fine, then, with respect to the grant of the soil of Rupert's Land, we believe that the time will shortly arrive when the whole claim of the Hudson's Bay Company will be exposed, from beginning to end, as a monstrous imposition. Let it be admitted that the Crown does possess the right of granting away the waste lands of its Colonial possessions, without the intervention of Parliament: we are far from desiring to interfere with an ancient prerogative: but here is a gift made in language which it is utterly impossible to interpret, of a country which did not belong to the Monarch who made that grant, and which was distinctly assigned to another Power subsequently to the grant. The grant itself is, moreover, similar to many others which emanated from the Crown at the same and at an earlier

period, but which were, for the most part, recalled, when it became manifest that they were no longer consistent with the public interests ;—a grant which the possessors have never once dared to defend in a Court of Law, or upon any occasion when the validity of their pretensions could be called in question. Rather than this, they have consented to the loss of a considerable part of their most valuable property ; because, had they claimed it, or compensation for it, the whole question of the validity of their Charter must have been called in question : rather than this, when they could no longer drive the North-West Fur Company of Canada out of their pretended territories, they consented to share with it their privileges and their spoil, so only that all others might be excluded.

It has been asserted above, that the Hudson's Bay Company have never dared to assert the validity of their Charter in a Court of Law.

It may be answered, that it was only their business to defend it when attacked by others.

But they have not even done this, but have compromised matters, in order to prevent the question being brought to issue in a Court of Law.

The story of the feud between the North-West

Company of Montreal and the Hudson's Bay Company is briefly as follows.

The fact has already come under our notice, that the Hudson's Bay Company did nothing whatsoever to explore the centre of the continent; that for more than half a century after their formation, all they did was to establish four or five insignificant forts on the shores of James' and Hudson's Bay, and to carry on a trade in furs with those Indians who resorted thither.

From a period commencing many years before the date of the first existence of the Hudson's Bay Company, the French Canadians, penetrating into the countries west of the Canadas, carried on an extensive traffic with all the Indian tribes of those districts. How far they ultimately pushed their way is not certain, but it is said up to the very sources of the Saskatchewan. The North-West Fur Company of Montreal followed in the same track. A glance at the map will shew the reader the difference between the operations of this and of the Hudson's Bay Company: and the same glance will suffice to prove that nothing can be more monstrous and absurd than to say that King Charles II. intended that the arduous enterprise of the Canadians, driving their trade up the stream which ran

into their own river, at a distance of nearly a thousand miles from Hudson's Bay, should be overthrown by a grant which contemplates an approach through the Hudson Straits alone.

The Canadian North-West Company carried their enterprise to an extent of which their chartered rival had never dreamt, and ultimately passed the Rocky Mountains, and opened up the rich and valuable district of the Columbia.

By bad management, or want of enterprise, or other causes, the stock of the Hudson's Bay Company became much depreciated, and the Earl of Selkirk became one of the Shareholders to a very large amount, and acquired a predominant interest in the counsels of the Company. A grant of land, amounting to 16,000 square miles of country, was made to this nobleman by the Directors of the Hudson's Bay Company, nominally for the purpose of colonization.

Now as a great deal of stress has been laid upon the Red River settlement as exhibiting the colonizing spirit of the Company, although it is notorious that that colony was founded by Lord Selkirk in spite of the remonstrance of the Shareholders, it is necessary to inquire whether there be not a far more obvious reason for the establishment of this colony, than

any desire on the part either of the Company or of Lord Selkirk himself merely to develop the agricultural resources of the country.

If we look at the map, we may observe the line of traffic pursued by the North-West Company. It passed up the St. Lawrence and the Lakes, to Fort William, on Lake Superior, where the chief Depôt and Factory of the Company was established. Thence the articles of traffic and the furs were carried up and down the river, through the Lake of the Woods into Lake Winnipeg, or further south along the plains, crossing the course of the Red River. This was the direct and the only line by which their communication was kept up with all the trading posts in the interior of the country : by it food and articles of commerce were sent from Fort William, and furs were brought back in return.

The Red River colony was planted by Lord Selkirk exactly in the line of this traffic. The Hudson's Bay Company seem to have been very jealous of the prosperous trade carried on by their rivals ; and they now, for the first time, when they found themselves utterly unable to cope in fair enterprise with the Canadian Company, began to assert the monstrous privileges of their Charter. The very first occasion of a quarrel between the

North-West Company's servants and the new colony, seems to have been upon the occasion of the governor of the Red River settlement seizing some of the food which was on its way to supply the posts of the North-West Company in the interior of the country. This is an extremely suspicious fact, and throws a good deal of light upon the real intention with which the colony was founded. By planting a settlement in that spot, the whole supply of food and necessaries, by which the traffic of the North-West Company was carried on, could be cut off, and the trade at once annihilated. It was not the design of a feeble mind, nor was it very unlike the bold and unscrupulous policy which has evinced itself in many passages of the Company's history. And when we consider that their affairs were then in anything but a flourishing condition, it is not at all unlikely that the Company may have been induced by the enterprising nobleman who exercised so much influence over their affairs, to adopt this step in order to crush a rival, and to sweep the whole of his profits into their own coffers; asserting, for the first time, the extravagant powers vested in them by a Charter granted one hundred and fifty years before, and which had never been recalled only because they had never before been asserted.

It is needless to enter into the details of the savage and brutal strife which was carried on for some time between the rival Companies. Suffice it to say, there were ample grounds to have brought the question to a final issue in a Court of Law, had such been the policy of the Company.

Their Charter contains special provisions enabling them to defend their property. Of these powers we shall have to speak hereafter: they were such, however, as the Company never dared to exercise; because such exercise would have brought the question at once to a legal decision.

The Company adopted another and wiser policy. They bribed rivals whom they could not defeat, and the two Companies united and agreed to carry on the fur trade together, to the exclusion of all others.

To those who had read the mutual recriminations that had been bandied between these two bodies, it was a strange sight to see the names of Messrs. M'Gillivray and Edward Ellice associated with that of the Hudson's Bay Company. To see men going hand-in-hand who had openly accused one another of the foulest crimes—of wholesale robbery—of allowing their servants to instigate

the Indian tribes to murder the servants of their rivals,—this was a strange sight. And to see gentlemen who had publicly denied the validity of the Company's Charter ; who had taken the opinion of the leading counsel of the day against it ; who had tried every means, lawful and unlawful, to overthrow it ; to see these same men range themselves under its protection, and, asserting all that they had before denied, proclaim its validity as soon as they were admitted to share its advantages : who, without its pale, asserted the rights of British subjects against its monopoly ; and within its pale, asserted its monopoly against the rights of British subjects—this too was a strange sight. Yet to all this did the Hudson's Bay Company submit rather than subject their Charter and their claims to the investigation of a Court of Law.

These are the grounds, then, upon which are founded the claims of a Company who exercise a vast and uncontrolable power. I think there are few, who will take the trouble to read this chapter, who will not arrive at the conclusion, that the claim of the Hudson's Bay Company to a territory many times greater than Great Britain, is altogether fictitious : and yet I am certain,

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a perusal of the other three chapters respecting the Company's privileges, will leave a conviction on the mind, that, of all their claims, that to territorial property is by no means the one most contrary to law.

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CHAPTER III.

OF THE CHARTER OF THE HUDSON'S BAY COMPANY,
IN RESPECT TO THE VALIDITY OF THE GRANT
OF THE RIGHT OF EXCLUSIVE TRADE WITH
RUPERT'S LAND.

THE second privilege granted by their Charter to the Hudson's Bay Company is that of *the exclusive trade over the territories called Rupert's Land*. This is a grant of an entirely different kind from the former, and must be discussed on different grounds. It has been said that the claims of the Company to territorial property are the least illegal of all which they assert; for, however the Crown may have possessed the right, by the law of England, to grant away the waste lands of the Colonies, the Crown never did possess the right to grant privileges of exclusive trade.

The privilege of exclusive trade, in the present case, is asserted against three parties: first, against any other merchants in this country, who are thereby forbidden to trade to the country in question; secondly, against the native population, who are

prevented from selling their furs to any but privileged dealers; and, thirdly, against any British subjects who may settle as colonists in the countries included within the limits of the Charter, and who are debarred from trading, either with the native population, or with the mother country.

Now there is only one case recorded in which it was ever suggested that the King's licence was necessary in order to allow a trade with infidels: it is the case of the "East India Company *v.* Sandys;" and that opinion has since been declared not to be law: but as to the first and third of the above mentioned modes in which the claims of the Hudson's Bay Company are exercised, they are absolutely against the most explicit and distinct declarations of the law.

Let us understand distinctly what it is which the Hudson's Bay Company claim under their Charter. They claim that they alone shall import any manufactured goods into Rupert's Land. They will not permit any ships except their own, to sail into Hudson's Bay: consequently, the whole import of goods of all kinds, for the use of the settlers at the Red River, which they assert is within the limits of Rupert's Land, is a strict and complete monopoly in the hands of the Company. It is true they *allow*

others to import some goods ; but then they insist on a licence being first obtained from the Company ; and they only grant that licence to those who do not interfere with their interest in the fur trade : they allow such goods to be imported only in their own ships ; and they never permit more than a limited quantity to be imported by private individuals. Besides this, they subject all such imported goods to duties, the amount of which is regulated by the sole authority of the Company, and is limited only by the capacity of the settlers to satisfy its demands.

Now the Company assert that their traffic is not a monopoly, because they have to compete with the Russian and the American fur traders in the London market. Their trade is a monopoly even against the British merchants, so far as this,—that the merchants can buy furs from no English fur trader except the Company ; but it is a perfect monopoly against the settlers of the Red River, who are equally British subjects with any one in England, and are equally entitled to the privileges of British law.

It is laid down in Stephens's Blackstone, as the law of England, with respect to Colonies, that "in conquered or ceded Countries, that have already laws of their own, these laws remain in force until changed by competent authority ; while, on the

other hand, it hath been held, that if an uninhabited country be discovered and planted by English subjects, all the English laws then in being, which are the birthright of every subject, are then in force."

Now the Charter declares that the territory in question, over which it grants the privilege of exclusive trade, shall be one of His Majesty's "*Plantations or Colonies in America*," and shall be called *Rupert's Land*.

If the position which has been put forward above be a just one, that the country in question was not the property of the Crown, then the grant of the soil of Rupert's Land is altogether invalid; but, if that part of the grant be good, then the country in question became a British colony, and all law then in existence, was in force at once throughout its limits.

There seems to be no escaping from this dilemma. Either the grant of the territorial property is invalid, or the country is a British colony: that which gives validity to the grant of the one, necessitates the admission of the other: and no sooner had the Crown issued the mandate, by which Rupert's Land became a British colony, than, by the same deed, British law was communicated to the remotest verge of its forests.

The question then is reduced to this,—What has ever been the British law in respect of monopolies in trade? because if there were no right to grant monopolies in England, there was as little right to grant them in Rupert's Land: the Crown could no more bestow privileges of exclusive trade in Hudson's Bay than in Holborn.

Lord Coke, in his exposition of the Statute, Magna Charta, says,—

“The common law hath so admeasured the prerogatives of the King, that they should not take, nor prejudice, the inheritance of any: and the best inheritance the subject hath, is the law of the land. Upon this chapter, as by the said particulars may appear, this conclusion is necessarily gathered, that all monopolies concerning trade and traffic, are against the liberty and freedom declared and granted by this great Charter, and against divers other Acts of Parliament, which are good commentaries upon this chapter.”*

The Statute 21 Jas. I., cap. 3, would seem to set the question at rest for ever, as to what the law of England had ever been in respect of monopolies. That Statute declared, that “all monopolies, and all” “Charters,” “granted to any persons” or “bodies corporate,” “for the sole buying, selling, &c.” “of anything within this realm,” “are altogether con-

* 2 Inst., vol. i., p. 62.

trary to the laws of this realm, and so are and shall be utterly void and of none effect," &c.

And Lord Coke, in his Chapter against Monopolists, says,—

“ It appeareth by the preamble of this Act, as a judgment in Parliament, that *grants of monopolies are against the ancient and fundamental laws of this kingdom*, and therefore it is necessary to define what a monopoly is. A monopoly is an institution or allowance by the King, by his grant, commission, or otherwise, to any person or persons, bodies politique or corporate, of, or for the sole buying, selling, making, working, or using of anything, whereby any person or persons, bodies politique or corporate, are sought to be restrained of any freedom or liberty that they had before, or *hindered in their lawful trade.*”

And again—

“ This Act is forcibly and vehemently framed for the suppression of all monopolies, for monopolies in times past *were ever without law*, but never without friends.”*

But not only has the law been thus expounded in the abstract, but numerous cases are on record in which claims similar to those which the Hudson's Bay Company make, and under similar Charters to theirs, have been brought before Courts of Law, and have been invariably decided against the claimants of exclusive right of trade.

* 3 Inst., p. 181.

In the case of "Hayes v. Harding," reported in Hardie's Reports, in the time of Lord Hale, the following passage occurs in the judgment of that great Judge.

"I know very well that common and vulgar judgments run high against all such patents, and condemn them before they understand them, as being contrary to the liberty of the subject, and the freedom of trade; but they that consider them better, are not so hasty and rash in their censures. For certainly, upon a serious consideration, all such patents and bye laws as tend most to the well regulating and ordering of trades, and the better management of them, so that the benefit of them may be derived to the greater part of the people, though with a prejudice to some particular persons, have always been allowed by the law. *But patents which tend to the engrossing of trade, merchandise, and manufactures, though of never so small value, into one or a few hands only, have always been held unreasonable and unwarrantable.*"

Lord Coke cites the case, Mich. 2 & 3 Eliz. (Dier manuscripts, not printed):—

"King Philip and Queen Mary, by their letters patent, granted to the Mayor, Bailiffs, and Burgesses, of Southampton, and their successors, (for that King Philip first landed there,) that no wines called malmsies, be brought into this realm, but only at the said town and port of Southampton, with a prohibition, that no person or persons shall doe otherwise, upon paine to pay treble custome; and it was resolved by all the Judges of England, that this grant made in restraint of the landing of the same wines was against the laws and statutes of the

realm; and also, that the assessment of treble custome was against law and merely void; and after, at the Parliament holden anno 5 Eliz., the patent as to aliens was by a private Act confirmed by Parliament, and not for English."

In the case of the "Taylors de Ipswich v. Sher-
ring," 1 Roll. R., p. 4, Lord Coke, Chief Justice,
says,—

"Et semble que nul trade, mechanique, nec merchant,
poet estre hinder par le patent del Roy, ne en aucun
part sous Act de Parliament 9 Hen. III., c. 1, un Charter
a hinder trade at sea is void."

In "Le Roy v. Cusake," 2 Roll. R., p. 113, a
license of sole buying and selling of merchandize
imported into Dublin, granted to the Masters,
Wardens, Brethren, and Sisters of Trinity Isle,
was held illegal and void.

In the case of the "Attorney-General v. Alum,"
Hardies R., p. 108, when the Russia Company had
been incorporated under letters patent confirmed by
statute, the Court said,—

"The act is a mere act of creation, and to regulate
those of the Company who trade separate, to the preju-
dice of the joint stock of the Company, and *if it were
an act of confirmation, it would be a void act, because
the letters patent themselves are void, being to appro-
priate a trade, which the King cannot do by law.*"

The marginal note of the case of the "Company

of Merchant Adventurers *against* Rebow," reported, 3 Modern R., p. 126, is as follows:—

"The King cannot, by his Charter, grant to a society of merchants *the exclusive privilege of trading to particular places*, and in particular articles, unless he is previously authorised by Parliament to do so."

In 6 Coke's R., 85, there is given "The Case of Monopolies." The case was one in which the sole right of importing playing cards into England had been granted to an individual. It was argued for the defendants, and resolved by Chief-Justice Popham, "et per totam curiam,"—

"That the dispensation or licence to have the sole importation and merchandizing of cards without any limitation or strict, notwithstanding the Act 3 Ed. IV., c. 4, is utterly against law."

There is, however, another view of the case. To grant a right of exclusive trade, and not to provide some means of enforcing that right, would be manifestly of no use whatever. Hence, in the Charters which emanated from the Crown at this period, a power was in most cases granted to seize the persons, ships, and goods of "interloping traffickers." In the case of the Hudson's Bay Company, the power was given as usual; and the ships thus seized were to be brought to England, there to be condemned, and the value forfeited, one half to the

Crown, the other half to the Company. There was also a power given to the Governor and Committee to call before them such "interlopers," and bind them in the sum of one thousand pounds, never again to traffic in the forbidden seas.

Now it is quite obvious, that if there be no power by which an exclusive trade can be maintained, the exclusive trade itself falls to the ground. And it would seem to follow, that if, when the Crown has granted a privilege, an infringement of such privilege cannot be punished in an ordinary Court of Law, and if the Crown have no power to create an extraneous authority for the punishment of such infringements, then the right of granting the privilege in question must be, practically, invalid altogether.

Now, that the Crown cannot grant the right to enforce the privileges of exclusive trade, otherwise than by the ordinary processes of law, has been decided over and over again.

In the case "*Nightingale v. Bridges*," it was admitted, without argument, that the King could not grant a power to seize ships engaged in a trade prohibited by Charter from the Crown.

In *Viner's Abridg.*, (vol. 17, p. 213,) there is a case reported exactly in point. It appears that the African Company seized a ship which was trading within

certain limits, the trade of which had been granted to that Company by Royal Charter. The Company had the vessel condemned in the Admiralty Court; and the owner brought an action at common law against the Company, who pleaded the privileges of their Charter. The result of this trial completely upholds the views we are endeavouring to enforce. It is thus reported :—

“In trover of a ship, the jury found that Charles II. granted to the African Company, all the regions, countries, &c., from Sally inclusive, to Cape of Good Hope inclusive, with all islands near adjoining to those coasts, &c., and all ports, &c., to hold to them and to their successors for 1,000 years, with licence to them, and to no others, to send ships, &c., and to have all mines of gold and silver there, &c., and the entire and only liberty to trade there; any law or statute to the contrary notwithstanding, and prohibiting any to trade there, unless by licence first had, under pain of imprisonment during pleasure, and the forfeiture of ships and goods, &c., with power to search and seize, &c., one moiety to the King, and the other to the Company; and erected a Court of Judicature, for hearing and determining all cases of seizure for trading thither. The Company, by virtue of this grant, authorised certain persons to seize the ships, &c. of such as should trade with an infidel country, within the limits of that Company. Accordingly, the defendants seized the plaintiff's ship and goods, and, at the defendant's instance, there was a process in the Admiralty against the said ship; and none appearing for her there, she was condemned; but whether the defendent be guilty, the jury say they

know not, et si, &c., pro quer, damages to £4,300. 6s., and costs to £2. 3s. 4d., et si pro defend, &c.

“This special verdict was obtained at the importunity of their Majesties' counsel for the defendant. *It was adjudged for the plaintiff by the whole Court.*”

A similar case is reported in the same volume, 17 Vin. Abr., 213:—

“The trespass for seizing a ship, &c., whereby the plaintiff lost his voyage, the defendant justified under *the Canary patent*, granted by the King to such persons to have *the sole trade*, &c., *but the plaintiff had judgment*; for the King cannot grant that the subjects' goods shall be forfeited for doing a thing prohibited by patent.”

Nor are we compelled to draw our own conclusions, obvious as those conclusions must be, from the mass of legal authority above quoted.

They have already been applied to the case of the Hudson's Bay Company, by some of the most eminent of the English Bar.

The opinion given by Sir Arthur Pigott, Sergeant Spankie, and Lord Brougham, has been already quoted, so far as it regards the question of the validity and interpretation of the grant of the soil of Rupert's Land. That part of the same opinion which treats of the grant of privileges of exclusive trade is as follows:—

*Questions and Opinions of Sir Arthur Pigott,
Mr. Spankie, and Mr. Brougham, January 1816.*

“ 1st. Whether the exclusive trade, territories, powers, and privileges, granted by the Charter of Charles II., confirmed by the expired Act of King William, is a legal grant, and such as the Crown was warranted in making; and if it was, whether it entitles the Company to exclude the Canadian traders from entering their territory to trade with the Indians, and authorises the Governors, and other officers appointed by the Company, to seize and confiscate the goods of the persons so trading, without the licence of the Company.

“ The prerogative of the Crown to grant *an exclusive trade* was formerly very much agitated in the great case of ‘The East India Company *v.* Sandys.’ The Court of King’s Bench, in which Lord Jeffries then presided, held and decided, that such a grant was legal. We are not aware that there has since been any decision expressly on this question in the Courts of Law, and most of the Charters for exclusive trade, and exclusive privileges to Companies or Associations, have, since the Revolution, received such a degree of legislative sanction and recognition, as perhaps to preclude the necessity of any judicial decision on it. Much more moderate opinions were, however, entertained concerning the extent of the prerogative, after the Revolution, than prevailed in the latter part of the reign of Charles II., and in the reign of James II.; and to those is to be attributed the frequent recourse which, after the Revolution, was had to legislative authority in such cases, and particularly in the very case of this Company, evidenced by the temporary Act of the 2nd William and Mary, ‘for confirming to the Governor and Company trading to Hudson’s Bay, their privileges and trade;’ a confirmation, the duration of which, the Legislature ex-

Pigott,
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pressly limited to seven years, and the end of the then next Session of Parliament, and no longer; and part of the preamble of that Act is, in effect, a legislative declaration of the insufficiency and inadequacy of the Charter for the purposes professed in it, without the aid and authority of the Legislature; which legislative aid and authority entirely ceased soon after the expiration of seven years after that Act passed.

"In 1745, indeed, the 18th Geo. II., cap. 17, for granting a reward for the discovery of a north-west passage through Hudson's Straits, enacts, 'that nothing therein contained shall any ways extend, or be construed to take away or prejudice any of the estate, rights, or privileges of or belonging to the Governor and Company of Adventurers of England, trading into Hudson's Bay;'—but this provision gives no validity whatever to the Charter, and only leaves its effect and authority as they stood before that Act, and entirely unaffected by it.

"These Parliamentary proceedings may at least justify the inference, that the extent of the prerogative in this matter was considered a subject which admitted of great doubt, in times when the independence of the Judges insured a more temperate and impartial consideration of it. They may, however, be perhaps, considered as too equivocal to afford any certain and conclusive authority on the strict question of law. Such rights, therefore, as the Hudson's Bay Company can derive from the Crown alone, under this extraordinary Charter, such as it is, may not be effected by these proceedings or declarations, and they may now rest entirely upon, and stand or fall by, the common law prerogative of the Crown to make such a grant.

"Upon the general question of the right of the Crown to make such a grant, perhaps it may not be necessary for the present purpose that we should give any opinion.

The right of the Crown merely to erect a Company trading by Charter, and make a grant of territory in King Charles II.'s reign, may not be disputable : and, on the other hand, besides that this Charter seems to create, or attempts to create, a Joint Stock Company, and to grant an *exclusive* right of trade, there are various clauses in the Charter, particularly those empowering the Company to impose fines and penalties, to seize or confiscate goods and ships, and seize or arrest the persons of interlopers, and compel them to give security in £1,000, &c. &c., which are altogether illegal, and were always so admitted to be, and among other times, even at the time, when the extent of the prerogative in this matter was maintained at its height, to grant an *exclusive* right to trade abroad ; and even if by virtue of their Charter they could maintain an *exclusive* right to trade, we are clearly of opinion, that they and their officers, agents, or servants, could not justify any seizure of goods, imposition of fine or penalty, or arrest or imprisonment, of the persons of any of His Majesty's subjects. Probably the Company would have some difficulty in finding a legal mode of proceeding against any of those who infringe their alledged *exclusive* rights of trading, or violate their claimed territory ; for we hold it to be clear, that the methods pointed out by the Charter would be illegal, and could not be supported."

There have been two other opinions taken upon this subject, both of them by men who are entitled to the greatest respect,—Mr. Bearcroft and Sir Vickery Gibbs. They are as follows :—

Mr. Bearcroft's Opinion.

“ *Question 1.* Whether the King, without the co-operation of the other legislative powers, can grant to any Company an exclusive trade for ever, together with a right of seizing the person and goods of a fellow-subject, without legal process; and, if not, whether his having illegally granted such advantages and power, does not annul the Charter?

“ *Answer.* I am of opinion that the King, without the assent of Parliament, cannot legally grant to any Company, or to any individual, an exclusive trade for ever, together with a right to seize the person and goods of subjects, without process of law; and that such a grant, if made, is illegal, void, and without effect.

“ *Q. 2.* If this Charter is not valid upon the principle above stated, whether it is not voidable by the Company's neglecting to fulfil the views the King had when he granted it?

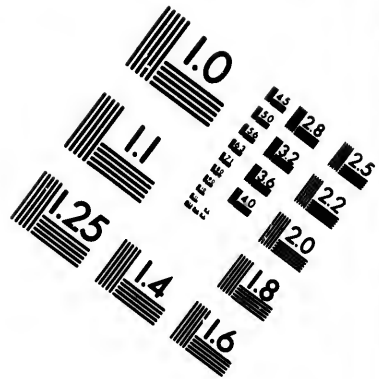
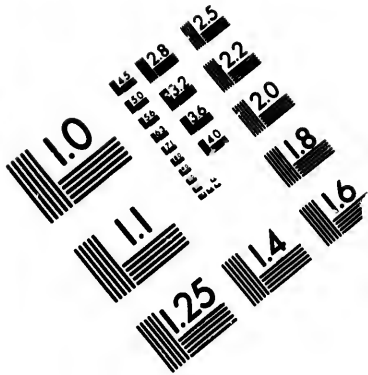
“ *A.* If such a Charter could be considered legal and valid in its commencement, yet it will be voidable by *Sci. Fa.*, if the grantees neglect to endeavour, by reasonable and adequate means, to carry the purpose of it into effect.

“ *Q. 3.* Whether the grant to them, of the right of fishing, is exclusive; or whether the Greenland fishermen, who have a right to fish at Greenland and the seas adjacent, have not a right to fish at Hudson's Bay?

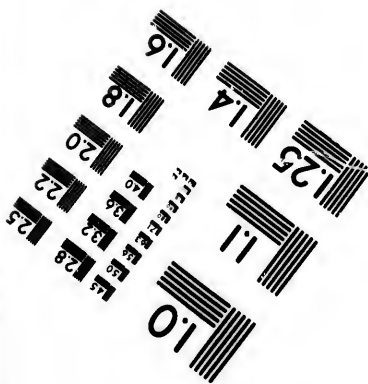
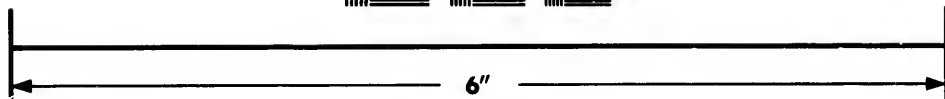
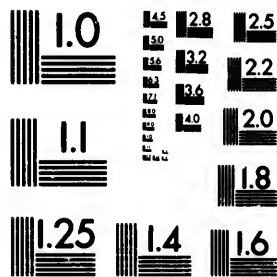
“ *A.* The Charter in question, as to so much of it as affects to grant an exclusive trade, and inflict penalties and forfeitures, being, as I conceive, illegal and void, I am of opinion, that the Greenland fishermen, who have a right to fish there, have also a right to fish in Hudson's Bay.

“ *Q. 4.* If an individual invades the Charter, by fishing or trading in any of the places granted to the Company, and they seize his people, ship, or goods, whether they have any, and what remedy?





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"A. If the Hudson's Bay Company, or those acting under their authority, shall venture to seize the person, ship, or goods of a British subject fishing there, the action is by action of trespass against the Company, or against the persons who do the act complained of, which action may be brought in any of the Courts of Westminster Hall.

"Q. 5. If you should be of opinion that the Charter is in its present form illegal, which is the best way of attacking it; by invading the patent, and permitting them to seize and bring an action, and complaining or defending, according to circumstances, or by applying to Parliament?

"A. It is obvious, that the safest way of attacking the Charter is by applying to Parliament, or by *Sci. Fa.*, though in case of seizure, I cannot help thinking, an action of trespass by the party injured, would be successful.

"Q. 6. And generally to advise the parties proposing the present case, who wish to fish and trade in and near Hudson's Bay (and have sent out a ship which means to winter there, unless cut off by the Company's engines, and only wait for your opinion whether to send several more) for the best?

"A. Upon the whole of this case, I am strongly inclined to think that the parties interested, if it is an object of importance to them, may venture to carry on the proposed trade immediately. The case of the East India Company and Sandys, determined at such a time, and by such Judges as it was, I cannot take to be law; and as to the length the said Charter has been granted and enjoyed, it is a clear and well-known maxim of law, *that which is not valid in the beginning, cannot become so by lapse of time.*

(Signed) "EDWARD BEARCROFT."

Mr. Gibbs' Opinion.

"1st. Such a Charter may certainly be good in some cases; but I am of opinion, that the Charter in question was originally void, because it purports to confer on the Company exclusive privileges of trading, which I think the Crown would not grant without the authority of Parliament. In 'Sandys against the East India Company,' Skinn, 132, 165, 199, 223, the arguments used against their Charter, which was not then confirmed by Acts of Parliament, appear to me decisive upon the subject; and although both Judge Jefferies, and the other Judges of the King's Bench, decided in favour of the Charter, I have understood that their judgment was afterwards reversed in Parliament.

"Adam Smith, in his 'Wealth of Nations,' treats it as an admitted point, that the Charter granted to the Hudson's Bay Company, and others of the like sort, not being confirmed by Parliament, are void, which I mention not as a legal authority, but only to shew how the question has been generally understood.

"2nd. A Charter may be forfeited on this ground.

"3rd. I should doubt whether they had by this acquiescence forfeited their exclusive privilege, if it ever existed; but this question is immaterial after my answer to the first.

"4th. If the former were legal, this would be so likewise; I think both legal, on the grounds of my answer to the first query.

"5th. Probably they might prosecute the Captain; but if this question were material, it would be necessary that I should see a copy or abstract of the Charter, before I could answer it.

"6th. He might, if there were any legal cause of prosecution.

"7th. I hardly think that they would be held to fall within this Act, nor does it signify whether they do or not. If my opinion is well founded, the North-West

Company may navigate Hudson's Bay, and carry on their trade as they please, without any fear of legal molestation, in consequence of the monopoly claimed by the Hudson's Bay Company under their Charter, and I think they may act as if no such Charter existed.

(Signed) "V. GIBBS."

"*Lincoln's Inn, January 7th, 1804.*"

It does seem then that this Company, notwithstanding the time which has elapsed during which it has exercised its powers, has really no more right, in law, to the monstrous privileges to which it lays claim, than any one of those other Companies which once possessed similar powers, all of which were cancelled or destroyed.

The only grounds upon which there seems to be a shadow of sanction given to the Charter, are those upon which the case of "Sandys and the East India Company" seems to have been decided; viz., that the Crown had the right to grant a right of exclusive trade *with infidels*, because no one had a right to such trade at all without the Royal licence. I doubt much if a Judge could be found in the present day to decide that such was English law; nor did the East India Company depend on the decision in their favour, for they procured an Act of Parliament to confirm their claims. The question raised, however, in the case of the East India Company, is totally distinct from that which we are now ar-

guing. The present question is, Whether a right of exclusive trade can be given with *British subjects* and Christians in a *British colony*; and that is clearly against the law: it is a monopoly.

The only argument advanced to shew that the Company's trade is not a monopoly, is that the Russian and American fur traders compete with the Hudson's Bay Company in the London market.

This argument may be satisfactory to those who think that there is no place in all the British empire but London, and that as long as the interests of a few London merchants are consulted, it is of little consequence what becomes of all the world besides. But the person, of all others, to whom such an argument should be most unpalatable, is Her Majesty's Secretary of State for the Colonies.

That a nobleman, whose peculiar office it is to watch over the interests of the inhabitants of the British colonies, should lend the weight of his influence and authority to prop up the despotism of a Company of Merchants, is a strange thing; but it is still more strange to see a close and perpetual monopoly defended by the disciples and advocates of the principles of free trade.

If, indeed, attachment to those principles be regulated by the amount of Parliamentary interest they can purchase, it will, of course, be a matter of

indifference, if the only sufferers under a monopoly are the inhabitants of a remote colony, or the wandering savage of the woods.

If the free trade creed were signed, that Parliamentary influence might be maintained, it is not to be wondered at should a monopoly be protected, if the same end can be gained : and the scores of votes which a prince merchant carries in one pocket, are, unquestionably, a powerful protection to the shares of the Company which are deposited in the other.

It is throwing dust, to say the Hudson's Bay Company do not possess a monopoly of the fur trade, because furs from foreign markets are not excluded.

Their traffic is, practically, a monopoly against the British traders in furs ; but against the inhabitants of the Red River settlement it is a monopoly, not in one article or another, but in every necessary and luxury of life, which his own country will not produce : and above all, against the native Indian it has more devastating effects than the anathema of an interdict.

One would have supposed that North America, above all places on the face of the globe, would suggest, in the scenes which its history recalls, some ominous warnings to those who treat with levity and indifference the complaints of colonists.

The eight or ten thousand souls at the Red River are not so important a body, no doubt, as the three millions who won their independence, and elevated their country—of a province creating an empire; but yet we are told that these colonists at the Red River are the outposts of Great Britain in that part of the world, and that they are to be looked to as the bulwark against American aggression.

If it be so, to keep them under their present government is insanity. They are living not fifty miles from a territory where no monopoly could wrong them, and they do not cease to draw comparisons which are disadvantageous to their own country. If the Red River settlement is not to be given up, or to fall into the hands of the United States, then this monopoly must be annihilated, and that without delay. If those colonists are to feel themselves an integral part of this great empire, and to take that pride in so feeling which is the surest guarantee for loyalty, they must be one with England in her laws and her liberties.

Were we to search the records of English history for a precedent, to teach us what policy should be pursued in such a matter, there is one never to be forgotten when the right of monopolies is called in question. In the reign of Queen Elizabeth, this

country was on the verge of rebellion, in consequence of the number of monopolies granted by the Crown. "There seemed," says Mr. Macaulay, "for a moment, to be some danger that the long and glorious reign of Elizabeth would have a shameful and disastrous end: she, however, with admirable judgment and temper, declined the contest—put herself at the head of the reforming party—redressed the grievance—thanked the Commons, in touching and dignified language, for their tender care of the general weal—brought back to herself the hearts of the people—and left to her successors a memorable example of the way in which it behoves a ruler to deal with public movements which he has not the means of resisting." The touching and dignified language of Queen Elizabeth is too remarkable, and too significant of what monopolies were esteemed even in those days, when the Royal power was at an unusual height, not to be quoted here. "Gentlemen," said the Queen to the Commons, "I owe you hearty thanks and commendations for your singular good will towards me, not only in your hearts and thoughts, but which you have openly expressed and declared, whereby you have recalled me from an error proceeding from my ignorance, not my will. These

things had, undoubtedly, turned to my disgrace, (to whom nothing is more dear than the safety and love of my people,) had not such *harpies* and *horse-leeches* as these been made known and discovered to me by you. I had rather my heart and hand should perish, than that either my heart or hand should allow such privileges to monopolists as may be prejudicial to my people."

So odious had monopolies come to be esteemed, that in the following reign, the fact of having accepted a patent granting a monopoly, was punished as a heinous crime. We read that, in 1621, a patent was granted to Sir Giles Montfesson and Sir Francis Michel, for making and selling gold and silver lace. Montfesson made his escape; but Michel was degraded from his knighthood, fined £1,000, carried on horseback, with his face to the tail, through the streets of London, and then imprisoned for life.

Far be it from any one to desire a revival of this summary mode of punishing monopolists. It would be a painful and humiliating spectacle to see the aged and venerable Governor of a great Company degraded from his knighthood, fined a thousand pounds, and carried on a horse, with his face to the tail, throughout the scenes of his former magnifi-

cence. Were, however, such a misfortune possible, it would be a consolation to the afflicted monopolist to know, that if driven from the Bank, the Trinity House, or even from Fenchurch Street, there was still a refuge for the destitute open, in a retired establishment in Downing Street.

This may seem an absurd hypothesis. Is it, however, more absurd, than that it should be criminal and disgraceful to be the proprietor of a monopoly of *one article* in England, and that it should be right and honourable to possess a monopoly of *every article* in an English colony?

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CHAPTER IV.

OF THE CHARTER OF THE HUDSON'S BAY COMPANY, IN RESPECT TO THE VALIDITY OF THE GRANT OF THE RIGHT OF EXCLUSIVE TRADE WITH THE INDIAN TERRITORIES.

THE next point to be noticed in the Charter of the Hudson's Bay Company is, the grant which was made to them, of the right of exclusive trade with the Indians, over all those countries into which they might *find access by land or water* from Rupert's Land, and with all adjoining countries.

This is the country which is called, at the present day, "The Indian Territories," and the right of exclusive trade over this country is not disputed. This right the Company hold under the Royal Licence of Trade, granted in accordance with the Act of Parliament, 1 & 2 Geo. IV., cap. 66.

The very fact, however, of an Act of Parliament having been thought necessary, in order to empower the Crown to grant a licence of exclusive trade over the Indian territories, seems to be a very strong argument that the same right of trade granted

over Rupert's Land, without Act of Parliament, is invalid.

Of the right of exclusive trade generally, enough has already been said ; but there is an important remark to be made as to that provision of the Charter which extends the right to the whole of British North America, except the Canadas ;— (for this is the smallest limit that can be assigned to the language of the Charter ; how much more that language might be construed to mean, whether the whole world or not, we cannot tell ; but, supposing it to mean the countries now denominated "The Indian Territories," that is to say, all British North America, exclusive of the Canadas and of Rupert's Land, the remark to be made is this)—that the trade of the same country, the exclusive trade of which was granted to the Company *by their Charter in perpetuo*, is now held by them *under Act of Parliament for only a limited period*. The way this came about was as follows.

We have already mentioned, that at the time of the struggle between the Hudson's Bay Company and the North-West Company, when the former found that it was impossible to beat their rivals, either by fair trade or by actual violence, and that

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any trial at law would involve an inquiry into the validity of their Charter, they determined to compromise the matter, which was done in the following manner.

An Act of Parliament was first procured for the purpose of empowering His Majesty to grant to "any body corporate or company, or person, or persons," the exclusive privilege of trading with the Indians in all such parts of North America, not being part of the lands and territories theretofore granted to the Hudson's Bay Company, and not being part of any of the provinces in North America, or belonging to the United States of America.

It was previously agreed, that as soon as the Act of Parliament should be passed, a grant of the exclusive privilege of trading with the Indians should be made under it to the Hudson's Bay Company, and to the leaders of the North-West Company, viz., Messrs. William and Simon, M'Gillivray, and Edward Ellice, conjointly. This was accordingly done; and the grant was made for twenty-one years. The new partners, late of the North-West Company, were to share all the profits arising from the furs obtained, not only from "The Indian Territories," but also from the Hudson's Bay Company's proper territories of Rupert's Land.

Especial attention ought to be paid to the result of passing this Act.

It empowers the Crown to grant the privilege of exclusive trade throughout the Indian territories, to *any* company, corporation, person, or persons. But, by the Charter, the exclusive trade of this self-same territory had been granted to the Hudson's Bay Company one hundred and fifty years before. The Charter gives them the exclusive trade over all the lands into which they should find *access by land or water*, out of Rupert's Land. The Act of Parliament, therefore, empowers the Crown to grant, *not to the Hudson's Bay Company*, but to *any* company or person, identically the same right of exclusive trade which the Crown had previously granted to the Hudson's Bay Company. The Crown might have granted this right of exclusive trade, under the new Act, to any other corporation; and, in fact, it did not make the grant, at first, to the Hudson's Bay Company only, but to that Company and the leaders of the North-West Company, jointly.

So far then from this Act of Parliament confirming or recognizing the Charter, it directly sets aside one of its most important provisions, and treats it as if it had had no existence; because it em-

powers the Crown to grant to one person what the Crown had by its own authority granted to another person.

Now, for this reason, it is asserted that it is illegal for the Company at this moment to exercise the privilege of exclusive trade in Rupert's Land, supposing such a place to exist. Supposing, for a moment, that the original grant of the country be not altogether invalid in law ; still the grant of a monopoly of the trade without the sanction of Parliament, being illegal, and Rupert's Land being excluded from the operation of the Act of Parliament which empowers the Crown to grant the right of exclusive trade over "the Indian Territories," there remains no right on earth to prevent any of the inhabitants of any place within what may be decided to be the legal limits of Rupert's Land, from trafficking in furs and peltries as much as they please. Nor could the settlers at the Red River do better than to organise themselves into a Company for the traffic of furs, sending their produce down, as the North-West Company did of old, by the Lake of the Woods, and Lake Superior, into Canada. The Hudson's Bay Company would not now dare to resort to violence to put an end to this general

movement on the part of the colonists ; and the least attempt to suppress the trade by force would result in a trial at law.

Sufficient has now been said as to the sanction upon which the Hudson's Bay Company still continues to exercise its despotic power. Some of its claims, it has been shewn, are altogether invalid ; some have been utterly set aside by Parliament ; and there are others so grossly illegal, that the Company have not, in late years at any rate, ventured to enforce them openly ; such as the right to seize, imprison, and fine those who infringe the privileges of their Charter.

Whatever may be the result of the present scrutiny which the grasping conduct of the Company has provoked, there seems to be no probability of "the Indian Territories" being emancipated from their sway until the expiration of their Licence of Trade in 1859.

The Company are fully aware that their prospect of obtaining a renewal of that licence is very small ; but the possession of a property on the coast of the Pacific will be the best argument in their favour. Hence their anxiety to obtain a territorial footing in Vaucouver's Island : hence the deter-

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mination of all who are not blind to the interests of this country, and to the extension of the British power and race, to oppose to the last so fatal and mischievous a proposition.

CHAPTER V.

OF THE CHARTER OF THE HUDSON'S BAY COMPANY, IN RESPECT OF THE RECOGNITION WHICH IT HAS RECEIVED FROM ACTS OF PARLIAMENT AND FROM OTHER PUBLIC DOCUMENTS.

BEFORE leaving the question of the Charter of the Hudson's Bay Company, it is necessary to examine some assertions which have been made, to the effect that its validity has been recognised by successive Sovereigns, by Acts of Parliament, and by Treaties with Foreign Powers. These assertions have been made by Mr. M. Martin, in page 45 of his book. That gentleman says, in the loose style of assertion for which his work is remarkable,—“The lawfulness of the Charter, *or of the Company founded on the Charter*, have never been questioned by the Crown or by Parliament; on the contrary, there has been a full recognition in various public documents.”

No one ever doubted “*the lawfulness of the Company founded on the Charter.*” Unless indeed it should be held in law, that a Charter granting what the Crown had not the power to grant, is null and

void altogether: to use this language, therefore, is to conceal the real question. The question at issue is, Are the *powers granted by the Charter* legal or illegal? And have those powers ever been recognised in any way, or their legality ever been asserted, by any Act of Parliament?

It is necessary to refer to the various occasions on which the Hudson's Bay Company's Charter has been noticed by the Parliament and by the Crown.

The first time Parliament interfered was in 1690, when an Act was passed confirming the Charter, Mr. M. Martin says, "*for ever.*" He puts these words *in italics*, and would leave readers who do not refer to notes at the foot of a page, in small type, with the belief that the Charter of the Hudson's Bay Company was confirmed by Parliament *for ever*. There cannot be anything more grossly untrue. And Mr. Martin, in order to save his conscience, puts the remainder, or rather a part of the remainder, of the story into a note.

The real story, however, is this. The Company found their Charter ineffectual to keep out interlopers from sharing the profits of the rising fur trade, so they themselves petitioned Parliament for an Act. Now, if they thought their Charter valid, what was the use of an Act of Parliament? They did so,

because they knew right-well that their Charter was not valid ; that the Crown did not, and never did, possess the power to enable any one to seize its subjects, fine, and imprison them, without trial. They knew that had they acted on their Charter in these and other matters, the Court of Law would have instantly interfered ; so they petitioned Parliament for a " confirmation of their Charter." A Bill appears to have been smuggled through the House as far as the third reading, when the Commons determined that the confirmation should last only for ten years, "*and no longer ;*" so, instead of changing the words of the Act, which would at that stage have necessitated a new Bill altogether, a rider was attached, limiting the duration of the Act to " ten years, and no longer." But when this Bill went up to the Lords, the *ten* was changed into *seven*, and, thus amended, the Bill became law. So far then from the Charter being confirmed *for ever*, as Mr. Martin would have his readers believe, it was confirmed but *for seven years*, by a Bill whose preamble states that it is "*necessary that such a Compc.ny should have sufficient and undoubted powers and authorities,*" &c., "*which cannot be so effectually done as by the authority of Parliament :*" thereby implying, as far as words can, that the powers of

the Company were by no means undoubted or sufficient, without the authority of Parliament.

The whole story of the passing of this Act shews most clearly that the Parliament did conceive that its sanction was necessary to the validity of this Charter.

But Mr. Martin's note adds, "This Act enabled the Company to restrain interlopers, and its renewal on expiring at the end of seven years was unnecessary." Then why did the Company introduce a new Bill into Parliament at the end of seven years? which they did. The Company then thought, and Parliament thought, that an Act of Parliament was necessary, in order to make the powers vested in the Company valid and legal. The Company, however, did not risk the chance of the Bill being actually *rejected* by the House of Commons, which would have settled the question of the Charter at once, but they withdrew it, and have ever since acted on the policy of asserting the rights of their Charter on all occasions, except where there was a prospect of its validity being submitted to a legal test, in which case they have always given way. So much for the first instance cited as favourable to the Charter. To all the others, one remark applies, viz., that when an Act of Parliament excepts from its

action the estates, rights, or privileges of a Company, it does not thereby offer any opinion whatsoever as to the validity of those rights and privileges: it is not the function of a legislative body to do so: that is a matter for a judicial tribunal. The Charter *exists*, no doubt; but whether it be legal or illegal, valid or invalid, is a question which is purely one of *law*. There can be nothing more absurd than to say the kind of allusion which is made in the Acts of Parliament quoted, viz., 6 Anne, cap. 37; 14 Geo. III., cap. 83; 1 & 2 Geo. IV., cap. 66; give any opinion on the question, one way or the other.

In the 6 Anne, cap. 37, the only allusion to the Company is a proviso in the 23rd section, "that nothing in the Act shall extend or be construed to take away or prejudice any of the estates, rights, or privileges *of or belonging to* the Governor and Company of Adventurers trading into Hudson's Bay." The provision that *this Act* shall not invalidate such supposititious rights, does not preclude their being invalidated on any other legal grounds, nor does the mere *mention* of rights *belonging to* a Company, assert the legality of the claim to such property. The Act 14 Geo. III., cap. 83, merely mentions the territories of the Company incidentally, declaring the boundary of Canada to lie in such and such directions,

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and "northward to the southern boundary of the territories granted to the Company of Adventurers trading into Hudson's Bay." Treaties have often assumed things to exist which did not. The treaty which settled the boundaries between the United States and the British territories, determined that it should proceed due west from the north-west corner of the Lake of the Woods, until it intersected the Mississippi; but it was found afterwards that these two lines never did intersect, and a new arrangement had to be made. Similarly, if no Hudson's Bay Company exist in law, a new Act must amend the old one. But it would be as sensible to assert that the line drawn due west from the north-west corner of the Lake of the Woods did intersect the waters of the Mississippi, because it is so asserted in a treaty, as to say that the grant to the Hudson's Bay Company of a tract of country is *valid* in law, because an Act of Parliament makes use of it to define a geographical outline.

We have already seen that the Act 1 and 2 Geo. IV., cap. 66, so far from recognising the validity of the Crown grant of exclusive trade over the Indian territories, positively sets it aside, and treats it as if it had never been competent to the Crown to make such a grant. But this is not the only way in

which this Act interferes with the Charter. It is true that there is a proviso in the last clause, that the Act is not to be interpreted to prejudice any of the rights and privileges of the Hudson's Bay Company ; but it uses the remarkable words respecting those rights—which the Company “*are by law entitled to claim ;*” as though the Legislature especially declined giving any opinion as to whether such claims were or were not valid in law.

This Act extends the operation of the Act 42 Geo. III., cap. 138, to the territories of the Hudson's Bay Company. The last-mentioned Act provides that crimes committed in the Indian territories, which it declares, in the preamble, were not at present “*cognizable by any jurisdiction whatever,*” should be considered as if committed within the jurisdiction of the Canadian Courts, and should be tried in those Courts accordingly.

The Act 1 & 2 Geo. IV., cap. 66, states, in the preamble, that there is a doubt whether the previous Act refers to the territories granted to the Hudson's Bay Company, and proceeds to enact that it shall so extend over them. Here again it completely sets aside the Charter: it creates a machinery for the administration of justice, independent of the Company, although the requisite

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authority for such administration had been granted to the Company by their Charter.

Besides which, in declaring that the Act 42 Geo. III., cap. 138, shall refer to, and extend over, the territories of the Company, it would seem at the same time to extend to them the declaration in the preamble of that Act, viz., that crimes committed in such territories were "cognizable by no lawful jurisdiction whatsoever."

It is beyond question, then, that the Act of George IV. completely sets aside the Charter in every point in which they come in collision.

Thus much for the assertion that the Charter of the Company has been recognized by Acts of Parliament.

It has been shewn, not only that the Charter was not sanctioned, but that Parliamentary sanction was refused, subsequently to the passing of a temporary Act for its confirmation, by which it was expressly intimated that the Charter was not sufficient without the ratification of Parliament.

It has been shewn that in all the other Acts in which it has been mentioned, a reference is made to it merely as a fact, which it was; and that no inference of any kind can be drawn as to its validity, or the contrary, from any such mention.

And lastly, it has been shewn that whenever it was necessary that Parliament should legislate upon subjects which involved a question as to the extent or validity, of the grants made by the Charter, the rights of the Company have been treated as if they had no existence whatsoever.

Nor is there one shadow of truth in the assertion that the rights of the Company have received any recognition in treaties with Foreign Powers. We have shewn fully that the Treaty of Ryswick did not recognize them ; but that, on the contrary, had they existed, it would have utterly extinguished them.

Equally false it is to say that the Treaty of Utrecht guaranteed the Company's privileges. The only mention made of the Company in that treaty, is in a clause which provides that they shall be remunerated for their losses "according to the rule of justice and equity." There is not one syllable about the rights or privileges, nor any allusion to other than the fact of their having suffered loss from the French, for which they were to be remunerated according to an estimate made by Commissioners to be appointed.

Nor is there any better grounds for saying that the Treaty of Oregon recognizes these claims. In-

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deed, it could not do so, because the operations of the Company on the Pacific are under Act of Parliament, and therefore must be recognized by all, until the year 1859, when their Licence of Trade will expire.

The Treaty of Oregon does no more than recognize the existence of a great trading company, having the exclusive trade and power in the British territory. In treating of the possessory rights of the Company, it places all British subjects on the same footing.

We have thus endeavoured, at some length, to investigate the truth of the statements which have been put forward by the Hudson's Bay Company, (and with the sanction, it would seem, of Her Majesty's Government,) as to the validity of the powers and privileges of that Corporation. At the risk of being somewhat tedious to the general reader, we have discussed the right which the Hudson's Bay Company claim, to lock up for ever an entire continent, to keep it as a hunting ground for their own profit, and to exclude the progress of population, civilization, and Christianity.

The Hudson's Bay Company's Charter was like many others which at one time emanated from the Crown—but it has outlived them all. It is the most

monstrous of all monstrosities of that age. Many circumstances have tended to prolong its existence, but none more than the subtle and selfish wisdom of its Governors, the inscrutable secrecy of its transactions, the distance of the country, and the facilities which the Company possess for keeping intruders and interlopers from interfering with their policy, or witnessing their operations; and now, when a general inquiry into the whole commercial system and policy of this empire is agitating the minds of statesmen, this strange and obsolete Charter comes to light, like a toad which is hewn out of a rock, where it has lain hid for ages, and is yet alive and ugly as of yore. But its days are numbered, and it will probably soon find a quiet resting place amongst some of its fellows and peers, on the shelves of the British Museum.

The Hudson's Bay Company are not very anxious to prolong their existence, if it is made worth their while to die: and Sir J. H. Pelly has indicated the nature of the rights which will ensure their peaceable departure from this life. He says, in a letter to Lord Grey, of the 4th March, 1848:—"As far as I am concerned, (and I think the Company would concur, *if any great national benefit would be expected from it,*) I would be willing to relinquish the

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whole of the territory held under the Charter, on similar terms to those which it is proposed the East India Company shall receive on the expiration of their Charter—namely, securing to the Proprietors an interest on their capital of ten per cent.”

A Company which will only resign a precarious and tottering traffic, for a Government security of ten per cent. on their capital, and even then only on the expectation of a great national benefit, must, one would fancy, be in the enjoyment of extravagant profits or unlimited patriotism.

“When I was a young man,” said the late Rev. Sydney Smith, in a speech at Taunton, “the place in England I remember as most notorious for highwaymen and their exploits, was Finchley Common, near the metropolis; but Finchley Common, Gentlemen, in the progress of improvement came to be enclosed, and the highwaymen lost by these means the opportunity of exercising their gallant vocation. I remember a friend of mine proposed to draw up for them a petition to the House of Commons for compensation, which ran in this manner:—‘We, your loyal highwaymen of Finchley Common and its neighbourhood, having at a great expense laid in a stock of blunderbusses, pistols, and other instruments for plundering the public, and finding ourselves impeded

in the exercise of our calling by the said enclosure of the said Common of Finchley, humbly petition your Honourable House will be pleased to assign to us such compensation as your Honourable House in its wisdom and justice may think fit.' Gentlemen, I must leave the application to you."*

* Works of the Rev. Sydney Smith. 3 Vols. 8vo. London. 1840. Second Edition. Vol. iii., p. 116.

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CHAPTER VI.

OF THE RESULTS OF THE CHARTER OF THE
HUDSON'S BAY COMPANY, AS AFFECTING THE
INTERESTS OF THE MOTHER COUNTRY.

THE rights, or rather the *claims*, of the Company have hitherto occupied our attention; but let us now turn to the results which have ensued.

If the reader will take the trouble to trace those results through the following three chapters, in their relation, severally, to this country,—to the Indian population,—and to the colonists who have settled in the Company's territory, he will probably agree in the conclusions at which we have arrived respecting the misfortune and mischief which may be anticipated, from the proposed extension of the power and influence of the Hudson's Bay Company.

In this chapter we have to trace the effects of the Company's Charter upon our own country. We have to investigate the value of the assertions which have been so pompously made, that England has derived great benefit from the existence of the Company; and, in doing this, we have especially

to bear in mind that, by the Royal Charter itself, the *public good* was specified as the object with which its privileges were granted to the Company.

We have already seen that the first condition imposed upon the Company, as a duty which they were given to perform, and in return for the expected performance of which their privileges and rights were granted, was, the attempt to discover a North-West passage into the Pacific Ocean.

The Company undertook to attempt this discovery, upon certain advantages being secured to them as an equivalent for their trouble and expense.

This country having suffered them to remain in the enjoyment of their exclusive privileges, now for more than a century and a half, have a fair right to inquire whether they have performed the duties entrusted to them ; especially the first duty imposed, viz., that of *discovery*. And the right to make this inquiry is strengthened by the fact that it is the constant boast of the Company that they have a claim upon our gratitude for the exertions they have made.

Now the facts respecting the discoveries which the Company have made, or attempted, are as follows :—

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frigate, and the Discovery sloop, for the purpose, as we are told, of discovery. This was nearly fifty years after the date of their Charter. It was the first expedition undertaken; and there seems now to be much doubt whether it was, properly speaking, one of discovery at all. Mr. Robson, who writes within thirty years afterwards, says, that the object of the voyage was the discovery of gold or copper mines, of the existence of which Captain Knight, then Governor of the Factory on Churchill River, had heard reports from the Indians who frequented that place:—

“Full of these expectations, he came to England to solicit the Company to fit out two vessels, under his command, for the discovery of these rich mines; but the Company, for private reasons, refused to comply. Knight, made more sanguine by an opposition which he could not expect, told them that they were obliged by their Charter to make discoveries, and extend their trade, and particularly to search for a North-West passage by the Straits of Annian, to the South Sea; but that if they would not fit out ships under him and Barlow, for the discovery he came about, he would apply to the Crown, and get others to undertake it; and, accordingly, waited upon one of the Secretaries of State. When the Company perceived him so resolute, and that his troublesome zeal, if left to itself, might actually bring on an inquiry into the legality of their Charter, they thought it necessary to comply, and fitted out the sloop and ship before-mentioned.”*

* Robson. App. No. i., p. 36.

It would appear from the above narrative, that the expedition was undertaken not for discovery, but to search for copper; and, moreover, that it was only undertaken at all in self-defence, for fear others should intrude on their privileges.

There seems to have been no further attempt made on the part of the Company to prosecute Arctic discovery, until the year 1769, that is to say, fifty years after their first attempt, and just a century after they undertook the task.

In that year Hearne commenced his expedition for the discovery, not, as it would appear, of the country, or of the long-wished-for passage into the Pacific Ocean, but, again, of the copper mines which were said to exist to the north of Fort Churchill; and, it is so stated by Hearne himself, in the Introduction to the Narrative. That the discovery of the Arctic Ocean by this meritorious traveller was rather an accident than a settled purpose of his expedition, must be evident to every one who has read his work. What value the Hudson's Bay Company set upon this discovery is best seen by the fact that "Hearne's Narrative" was not published till the year 1795, *twenty-six* years after the expedition was undertaken, and even then, if we are to credit La Pérouse, only in consequence of a promise

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made to him, on the capture of the Factories in Hudson's Bay by the French, in 1782.

“An account of this [Hearne's] journey was found in manuscript among the papers of the Governor, who was very pressing that it should be returned to him as his private property. As the journey was undertaken, however, by order of the Hudson's Bay Company, with a view of obtaining knowledge of the northern part of America, the journal of it might have been considered with propriety as belonging to the Company, and now of right devolved to the conqueror; yet the goodness of La Pérouse's heart induced him to yield to the urgent solicitation of Governor Hearne, and he returned the manuscript to him, on the express condition, however, that he should print and publish it immediately on his arrival in England. This agreement does not appear to have been fulfilled to the present day. Let us hope that the remark here made, when it becomes public, will effect the purpose.”*

Notwithstanding this declaration, which was printed in England in the year 1791, Hearne's travels did not appear until a few years afterwards, in 1795, that is twenty-three years after his journeys were performed. This does not look as if the Hudson's Bay Company had been extremely anxious to promote the cause of Arctic discovery.

The next attempt made by the Company was in

* A Voyage round the World, &c., under the command of J. F. G. de La Pérouse. Translated from the French. London. 1807. Vol. i. Introduction, p. xxx. See also Note to same page.

1836, more than sixty-four years after Hearne's journey. In that year the enterprising traveller Thomas Simpson, commenced his discoveries, of which others reaped the honours. The year 1836-7 is remarkable in the history of the Hudson's Bay Company. In that year the supply of spirits to the Indians is reduced ;—in that year missionaries are called for ;—in that year discovery is undertaken ;—and in that year the Company begin to negotiate for the *renewal of their licence of exclusive trade!* This is significant. Thus in one hundred and fifty years we find that the Company made but *three* attempts to promote the task which they undertook when they obtained their Charter ; and two out of the three were made over land, in a manner which, however creditable to the enterprising gentlemen who led the expeditions, were made with no trouble, and very little expense, to the Company, who reaped the credit.

There is another significant fact to be noticed respecting the expedition by Dease and Simpson, viz., that in the same year (1837) the Government were sending out an expedition under Captain Back : and the Company appears to have acted on the same principle on which they had acted in 1719, viz., to delay performing their duty until it was

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manifest that it would be performed by others, and that their privileges might thereby incur risk.

But when the same coincidence occurs again in 1846, it is impossible to consider it the result of accident. In that year Captain Franklin was dispatched by the British Government to carry on discovery on the north coast of America: and in the same year Dr. Rae was sent by the Company. The Company have, then, sent out but four expeditions from the year 1670 till the present time, of which only one was in ships—that is to say of such a nature as to involve the Company in any great expense. And of these four expeditions, the two first were not to obtain geographical information, but to discover *copper*. They were, in fine, it would seem, not expeditions of discovery, but, in a great measure, trading speculations; and the other two were both undertaken when the British Government had sent out similar expeditions; and one was made in order to enable the Company to put forward their claims as Arctic discoverers, when they applied for the renewal of their licence of exclusive trade with the Indians.

But, in the mean time, what has been done by this country to promote geographical science in the north of America?

This is a question of the greatest importance ; because, when it is asked why did England deprive her merchants of the right of sharing in a lucrative traffic, and commit the whole of it to a small Corporation, consisting of a very few individuals? the answer should be, at least, that some advantage has been gained by the country in general, to compensate for the loss which was inflicted on individuals. But we are now told that since the year 1815 alone, " more than half a million of money has been expended" on the task which it was committed to the Company to perform.

Now it is impossible for any one to look at the simple fact of what the Company have done, compared with what England has herself effected, or to compare the expenditure of the Government with that of the Company, and to say that this country has not lost immensely by the bargain which it made, when it gave the Hudson's Bay Company the great privilege of a monopoly of the fur trade, on the condition that that Company should undertake the task of Arctic discovery.

But the Company have been charged, not only with neglecting to perform the task allotted to them, but even with endeavouring to deter others from making the attempt. In "Middleton's Geography,"

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published in 1771, there is a chapter which professes to give "an account of the attempts made to find out a North-West passage to America." The author there says:—

"It has been generally supposed, and with reason, that the Hudson's Bay Company, though bound by their Charter to promote the discovery of a North-West passage, hath taken every method to prevent the accomplishment of it. And it is notoriously known that Captain Middleton, who, in 1740, was sent by Government upon that service, was publicly charged with having received £5,000 as a bribe, from the Members of that Company, to defeat the undertaking, or at least to conceal the success of it."

At the end of the chapter, the writer returns to the same subject.

"The next attempt was made by Captain Middleton, as already mentioned; and many imagine that he really found the passage so long sought for, but by sinister means was prevented from revealing the discoveries he had made, and even, by the influence of bribery, was induced to publish a false journal of his voyage. So much does private avarice prevent the success of public discoveries.

"The Legislature being made sensible of these proceedings, passed an Act for the encouragement of adventurers to attempt the discovery of the North-West passage, offering, at the same time, so liberal a reward as would probably preclude the effects of bribery in preventing the success of any future expedition."*

* Middleton's Geography. Folio. London. 1778. Vol. ii., pp. 18, 19.

The evidence here afforded is not the less important, that the charge is only alleged as a supposition. It proves, at any rate, what the character of the Hudson's Bay Company was at that time, and how far it was considered to have fulfilled the duties entrusted to it.

This charge may seem at the present day to be very absurd and scarcely creditable, yet a similar accusation may be urged with justice against the Company even now—viz., that of endeavouring to lower the value of their territories in the eyes of the public.

The Company know very well that as long as there is a general belief that the interior of the continent of America is of no value, so long they may feel secure in the possession of their privileges; and therefore the idea is circulated, that the whole country north of the 49th parallel of latitude, is a frozen wilderness, where human life can with difficulty be supported, and where the earth will not yield its accustomed fruits: and the same facts are assigned as the necessary and unavoidable cause of those awful and devastating famines, with all their fearful accompaniments of starvation and cannibalism, to which the miserable natives are periodically exposed.

The Company have a direct interest at this moment in keeping up this erroneous idea.

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There is a good example of how the facts of the case may be distorted, for interested motives, in the representations made at first about the country in which the Red River settlement is situated. The North-West Company saw at once that the settlement was directed against, and would be fatal to, their trade; and so we have, in their efforts to cry it down, frequent assertions of the impossibility of founding a settlement in so remote and desolate a country. Yet experience has shewn that there is not a more favourable situation on the face of the earth for the employment of agricultural industry, than the locality of the Red River. As far as the produce of the soil is concerned, the settlers revel in abundance.

In the work by Mr. M. Martin, to which we have, unfortunately, frequent occasion to allude, because it bears all the appearance of authority, it is confidently stated, that although "there are, doubtless, several spots, such as the Red River, adapted in some respects for European settlements, they are like oases in the desert, few and far between, and totally inapplicable for extended colonization" (p. 6); and again, that "the tract now left in the possession of the Hudson's Bay Company will require great care and industry to

render even the most promising spots productive”
(p. 6).

In order to shew how little truth there is in this statement, it will not be without utility or interest if we give a brief account of the physical features of this country.

The territories of the Hudson's Bay Company may be considered as containing three great districts, totally differing in their general aspect: these may be called, the *Woody* country, the *Prairie* country, and the *Barren* country.

If the reader will look at the accompanying map, he will be able readily to trace the divisions of these three districts. The woody country extends round the south of James' Bay, and the west of Hudson's Bay, from East Main, as far as North Lined Lake. The belt of wood is said to finish abruptly at this lake,—one side being a forest, and the other entirely open country. The breadth of the belt of wood may be considered to be pretty nearly the same throughout; being bounded, as has been said, towards the north-east by James' and Hudson's Bay, and, towards the south and west, by a line stretching along the north of Lake Superior, from the frontiers of Canada, through the Lake of the Woods, Lake Winnipeg, Deer Lake, and Wollaston Lake.

This is just the description of the
 the woody country described by explorers
 for the Hudson's Bay Company

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It is not asserted that all the country within the boundaries here described is a forest, or that all the land in the other districts is barren, or open. The general features of each district are, however, such as those names indicate. Thus the general feature of the country in the broad horse-shoe belt here described is forest. A line from the shores of Hudson's Bay, through the north of North Lined Lake, Lake Athepescow, to Great Slave Lake, and down Mackenzie's River, will cut off all the country towards the north, which may be called the *Barren* district. And the country west and south of Lakes Winnipeg, Deer, Wollaston, and Athepescow, as far as the Rocky Mountains, may be denominated the plain, or *Prairie* district.

Now it may be quite true that only a small portion of the Hudson's Bay Company's territories is fit for colonization, and indeed for anything except the chase; but it may be, and is true, that that small portion is a country sufficiently large and fertile to support all the population of Great Britain and all her dependencies.

In the first place, there is the neighbourhood of the Red River, which experience has shewn to be fertile in the extreme. Then there is the whole country, several hundred miles in extent, between

the Red River and the frontiers of Canada, along the line of rivers and lakes which connect Lake Winnipeg with Lake Superior. It is needless to make any long references to authors to support this assertion—that this is a magnificent country for colonization. Sir George Simpson speaks in the strongest language of the beauty of the country, and the fertility of the soil, and of the rich and varied produce of the earth in its wild and uncultivated luxuriance. Mr. Ballantyne dwells in his lively and spirited manner on the same theme, and many who have passed along that route are ready to give similar evidence. Had not the North-West Company of Montreal been destroyed, it is probable that many settlements would, by this time, have sprung up in the channel down which their vast fur traffic was poured into Canada. But the waters and woods are now silent and deserted, and the whole of the trade is diverted to the desolate shores of Hudson's Bay, to be stowed into the "annual ships," for the London market.

If the Hudson's Straits were the only entrance to the country, as the Company have endeavoured to make them, for the purpose of giving themselves a claim, under the language of their Charter, to half the continent, there would be some ground for

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supposing that colonization would be impossible : for except at the south, those shores are desolate in the extreme. But Mr. Ballantyne tells us that when he left York Factory, on the shores of the Bay, where winter still reigned in all its severity, only a few miles inland he found spring far advanced : at the same period, in the country between Lake Superior and the Red River, it would, no doubt, have been summer.

Much has been said of the extreme cold of the country as indicated by the thermometer. It is well known, however, that it is not the *degree* but the *character* of the cold which renders it obnoxious to men; and the climate of this country is quite as agreeable, if not more so, than the best part of Canada.

The height of the latitude gives no clue whatsoever to the degree of cold or to the nature of the climate. Men who are competent, from personal observation, to give an opinion, assert that the cold is more apparently intense, at any rate far more disagreeable, at Fort Churchill in latitude 59°, than at Peel's River upon the Arctic Circle; and that vegetable life is more easily nourished at the latter in the Rocky Mountains, than it is ten degrees farther south, upon the shores of Hudson Bay. Upon the River Liard, or, "The River of the Mountains,"

in latitude 60°, all garden produce has been grown, and many kinds of grain, even, I believe, wheat: at any rate, the country about this river is said to be quite as productive and habitable as that many degrees further south on the eastern shores of the continent.

The part of the possessions of the Hudson's Bay Company which is habitable and applicable for settlement, is the Prairie district—a broad belt stretching from Lake Superior, in a north-westerly direction, to the Rocky Mountains. It is a country of varied features: immense plains, hills, lakes, and woods, are chequered over its surface, abounding with every animal and fish which contribute to the support of man in his savage state, and which, therefore, render the advancement of civilized man into the wilderness a matter comparatively neither of difficulty nor of expense.

• Of the country between Lake Winnipeg and Lake Superior, Sir Alexander Mackenzie says:—

“There is not perhaps a finer country in the world for the residence of uncivilized man, than that which occupies the space between Red River and Lake Superior: fish, venison, fowl, and wild rice are in great plenty: the fruits are strawberries, plums, cherries, hazlenuts, gooseberries, currants, raspberries, pears,” &c.*

* Quoted by Mr. M. Martin. British Colonies. Vol. vi., p. 341.

Throughout the whole of the open country there are large tracts of land equally favourable for the support of human life. Some spots, according to those who have seen them, must be surpassingly beautiful and luxuriant.

“Near the portage La Loche is a precipice upwards of one hundred feet above the plain, and commanding a most extensive, romantic, and, according to Mackenzie, ‘a ravishing prospect;’ the eye looks down on the Swan (Pelican, or clear Water) meandering for thirty miles through a valley above three miles in breadth, and confined by two lofty ridges of equal heights, displaying a most delightful intermixture of wood and lawn, which stretch out until the blue mist obscures the prospect. Some part of the inclining heights are covered with stately forests, relieved by promontories of the finest verdure, where the elk and buffalo enjoy a delicious pasturage. The Swan runs eighty miles through such scenery, when it discharges into the Elk, or Athabasca River, in latitude $56^{\circ} 42'$ North.”*

This was the language of Mr. M. Martin, when he wrote for truth, not for party.

There are none of the stations and forts of the Company in this district where food cannot be readily raised, although the servants of the Company frequently pay little attention to the subject of farming.

The following, for example, is what Dr. King says of Cumberland House, one of the principal stations on the Saskatchewan River.

* Id., p. 339.

“ The ground about Cumberland House is not only excellent, but fit for immediate culture. The house, a few years ago, was in most excellent repair, and exhibited a very productive farm, the effect of the continued care and attention of Governor Williams, (the predecessor of Sir George Simpson,) who had a great partiality for agricultural pursuits. A vast change, however, had taken place at the time of our arrival;—the house was all but falling to pieces; the implements of tillage, and the capacious barns, were silent monuments of waste; the horses were becoming wild, and the oxen occasional truants; the cows, although they went to the milkpail twice a day, gave by no means a Virgilian quantity of that sober and nutritious beverage; and a solitary hog stood every chance of dying without issue.”*

Here then is a country above 500,000 square miles in extent, a great part of which is favourable for settlement and agriculture, and nearly the whole of which is so well supplied with game, as to enable the first advancement of colonies to be readily effected.

And not only is this vast country capable of being settled, but there is a great national object to be gained in doing so, and that with as little delay as possible.

The Saskatchewan River, is navigable for hoats and canoes, almost from its source in the Rocky Mountains, throughout a course of 1,400 miles,

* King's Narrative. Vol. i., p. 54.

water communication could be made by the river
as the river runs north by the mountains
as the river runs north by the mountains

to the mouth, where it discharges itself into Lake Winnipeg. There is, it appears, but one rapid throughout the whole course, and this could readily be overcome.

Along this magnificent river, then, is manifestly the highway to our possessions on the shores of the Pacific; and thus we have a communication opened which no other part of the continent possesses.*

With the exception of a few obstructions, which labour and ingenuity would soon overcome, there is water carriage the whole way from London to the Rocky Mountains; and the sources of the Saskatchewan on the one side, and of the Columbia on the other, are so close together, that Sir G. Simpson could fill his kettle for breakfast out of both at the same time. He says, they are not above fourteen feet apart.

It cannot but be obvious to all, that there is a vast object to be gained, by opening up the interior of the American continent, and securing, as soon as possible, an overland communication with the Pacific Ocean.

It is worth while to look at the map of America

* See a pamphlet by Lieutenant Millington Henry Synge, Royal Engineers, entitled "Canada in 1848. London: Effingham Wilson, Royal Exchange."

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with this view. You will then see that the 49th parallel of latitude, running straight across the continent, from the Lake of the Woods to Vancouver's Island, severs the British dominions in North America from those of the United States.

Upon the shores of the Pacific Ocean, along the Columbia River, in the Wallamatte Valley, and, latterly, further south, in the golden district of California, an American population is springing up with a rapidity of which there is no example in history.

The attention of England has also been turned to the importance of founding a Colony upon her own part of the coast of the Pacific; and there can be no doubt that, however for a few years the prospects of the settlement may be oppressed by the superincumbent weight of the Hudson's Bay Company, and by the perverseness of the Colonial Government, it must and will, ere long, cast off these shackles, and enjoy a prosperity derived from sources which companies and Governments cannot control. Our new colonies on the Pacific, will be separated from the mother country by a voyage of nearly six months' duration; a voyage in which it will be necessary to pass along the seaboard of a rival, it may be, a hostile, power, for many hundred miles.

It is quite obvious, that a colony in Vancouver's Island is completely cut off from the mother country, and is, comparatively, entirely at the mercy of the United States.

If our dominion over that part of the North American continent, which we now call the Indian Territories, is to be maintained, it is quite evident that an inland communication must be established, connecting the Atlantic with the Pacific Ocean.

The complete ignorance in which, until lately, we have been kept as to the nature of the interior of the continent, has favoured the idea that it is utterly chimærical to indulge the hope of establishing such a communication. But look at Russia—the inland route is maintained across the enormous continent, from the Sea of Ochotsk to the Baltic, without anything approaching to the facility which is offered in America by the waters of the Saskatchewan River, and its connection through Lake Winnipeg and the Lake of the Woods, with Lake Superior and the St. Lawrence.

It is not possible for private and individual enterprise to direct the course of colonization into those channels which will prove most beneficial to the whole empire. That is peculiarly the task of the Government, and it ought to be the most important

of all the duties allotted to the Minister for the Colonies. But, in fact, this is a task about which no one in the present day seems to care, or to trouble themselves at all.

None seem to regret the enormous wealth which we are squandering year by year—a nation's best wealth—strong hands and stout hearts—upon a rival, and some day, perhaps, an hostile power, whilst tens of thousands of miles of country, in the heart of our empire, are lying waste and desolate, which it is of unspeakable importance to occupy and to cultivate.

If England will ever see this great truth, and will enforce upon the Government the task of directing the stream of colonization which must go on, directed or not, as long as the population continues to increase faster than its means of subsistence ;—and if the Government does ever undertake to guide the energies of those who leave our shores into such channels as shall produce the most beneficial reaction upon the mother country, and the most salutary influence upon the stability of the whole empire ; it is impossible but that this task, of opening up the overland communication between the Canadas and the Pacific Ocean, should be one of the first to demand attention.

To establish first, posts, and then villages, along the course of the Saskatchewan River;—to overcome the only difficulty which exists in the navigation from Lake Winnipeg, viz., the falls near Cumberland House;—to create steam communication along its waters;—to open the coal mines on its banks, which would at once render the steam navigation a matter of ready attainment—these are tasks which, were there any real belief in the vast importance of the object to be gained, and any real will on the part of the nation and the Government to accomplish it, would neither occupy a long time, nor demand any national outlay which would not be amply repaid.

And what are the objects to be gained by this great national undertaking?

First. We should provide a new outlet for a population sinking in misery, discontent, and famine, in England, Scotland, and Ireland. Next, labour, which at home is lying idle and unproductive, would be employed in calling into existence that wealth, mineral, or agricultural, which the earth ever generously yields to those who ask it at her hands. Again, we should be establishing a chain of defensible posts along a frontier line of a thousand miles; and, above all, we should be extending over half a continent, that religion, that civilization, those laws, and those liberties, which we love and reverence,

and in which we firmly and faithfully believe. Nor is it to be forgotten that we should be fulfilling one great task which we have been given to do, in calling back from their barbarism and paganism, the wandering children of the soil. And, in effecting all this, we should, at the same time, be establishing a line of communication, a highway for letters, for traffic, and for travellers, straight across, from ocean to ocean. This is the only way in which our power in the American continent can be consolidated: this is the only consideration which renders it worth the while of Great Britain's undertaking the foundation of a colony on the remote shores of Vancouver's Island; for the only light in which a colony on the Pacific is desirable for this country, is when viewed as the terminus of the great overland route from the Atlantic to the Pacific Ocean.

Now if this be the policy which ought to guide our proceedings in North America, what have we to thank the Hudson's Bay Company for? or in what manner have they advanced, or is it likely that they will advance, the interests of the British empire?

The results of their influence in the definition of the boundary line, has already been noticed. Shall we now trust them to guard it?

The whole character and conduct of the Hudson's

Bay Company has always been, and always must be, hostile to this which we here lay down as the interests of Great Britain in North America. Their profits, their very existence as a Company, depend on keeping the whole of the territory under their rule, a vast hunting-ground—an enormous preserve—upon keeping whole nations of Indians as hunters and trappers, and discouraging anything like agricultural settlement; above all, upon keeping the territory shut up, preventing its ever becoming a highway, sticking up a great “no-thoroughfare board” at every entrance, and thus avoiding the risk of any competition in the fur traffic. But the time is fast approaching when this country will have to decide, whether the profits of 239 merchants shall be deemed of more importance than the law which they violate, than the progress of civilization which they impede. Than the emancipation of the native tribes whom they enslave, than the interests of the British Empire which they betray.

In reference to the benefits which England gains from the existence of the Company, it is necessary to add a very few words as to the extent of the traffic in which it is engaged. We shall then see what the Charter has done in the way of extending the trade of this country.

It appears that the original capital subscribed was £10,500 ; and that, in consequence of the enormous profits realized, the Company trebled their stock in 1690 ; that is, they passed a vote by which the stock of the Company was declared to be £31,500 ; and the object seems to have been, that the dividends might appear to be smaller upon a larger nominal capital, than upon the original subscribed capital of £10,500.

Continued prosperity enabled the Company to perform a similar trick in 1720. In this year the capital was declared to be again trebled, and to amount to £94,500. It was then proposed to add three times as much to it by subscription, but in this way, that each proprietor subscribing £100 should receive £300 of stock ; so that the nominal stock should amount to £378,000, the real additional sum subscribed being £94,500.

This plan was frustrated by the difficulty, at the time, of procuring money, and only £3,150 was subscribed. Nevertheless, the whole capital of the Company was ordered to reckoned at £103,500, whilst the only subscribed capital was £13,650.

When the rival companies, the North-West Company of Montreal and the Hudson's Bay Company, united in the year 1821, the latter made a

call of £100 per share on their Proprietors, which raised their capital to £200,000, and a similar sum being added by the North-West Company, the whole stock of trade of the present Company amounts, or is said to amount, to £400,000.

This is the measure of the whole traffic carried on with half the continent of North America by this country.

It is not, of course, possible to say what amount of capital might be profitably employed; but when we are told of great national mercantile benefit being derived by this country, it is necessary that the public should know that the entire capital engaged is £400,000, and no more; and even of this, a considerable portion is nominal, that is, was never paid up at all.

We may form some opinion of the effect of the monopoly of the trade, compared with what might be the case were there a competition, by the fact that the number of white servants in the pay of the Company is about a thousand. Whereas the North-West Company of Montreal alone, with only half the capital, and in competition with the Chartered Company, employed two thousand.

Again, the number of ships sent to the Hudson Bay is *two* annually. All the exports and imports

from the whole country east of the Rocky Mountains are contained in about two ships of about three hundred tons each : and two ships more are employed on the north-west coast. Whereas the North-West Company, as long ago as 1816, chartered *three* ships for carrying on a trade on the north-west coast, and for trading in furs to China : and the same Company, at that time, employed upwards of three hundred Canadians between the Rocky Mountains and the sea.

To say, then, that the trade of this country has been fostered or extended by the monopoly enjoyed by the Company, is exactly contrary to the truth.

The settlements of the Moravians on the coast of Labrador alone, employ one ship annually ; that is to say, create about half as much trade with England as is derived from the whole of the Company's dominions east of the Rocky Mountains.

Again, if we look at the extent of the country in which the Russian Fur Company carries on its operations, and compare it with the territories of the Hudson's Bay Company, and then learn that the former employ *twelve* armed vessels, whilst the whole traffic of the English from all parts of the continent occupies but *four*, we shall be astonished, if not at the fact, at any rate at the assertion in spite

of it, that the English have placed the Fur Trade of their enormous territories under a system which is favourable to the development of the commercial resources of the country.

In fine, then, in whatever light the character of the Company be regarded, whether as having performed the duties of the station assigned to it, to lead the enterprise of the nation in geographical discovery and science; or, as extending the influence of British laws, liberties, and civilization, and preparing the way for the advancement of the race, and increasing the stability of the empire; or, finally, even in its own narrow and peculiar sphere, as enlarging the fields for commercial enterprise;—in whatever light this Company be regarded, it is impossible not to arrive at the conclusion, that it has ever been hostile to the best interests, and has shackled the energies, of Great Britain. It is impossible not to view it as an obstructive impediment, which the advancing requirements of the age must, sooner or later, sweep from its path.

CHAPTER VII.

THE RESULTS OF THE HUDSON'S BAY COMPANY'S CHARTER IN ITS EFFECTS ON THE NATIVE INDIAN POPULATION OF THE COMPANY'S TERRITORIES.

THE evil influence of the Hudson's Bay Company upon the mother country, has resulted more from crimes of omission, than from those of commission ; and amidst the vast and various sources of our national wealth, and the manifold directions in which it is employed, it is scarcely to be wondered at that the comparatively insignificant commercial operations of the Company should have escaped much public notice ; nor is it more surprising that, invested with such powers, and in the possession of such admirable machinery for veiling their transactions, as well as the country in which they are carried on, in impenetrable secrecy, the interests of merchants and adventurers should have been but little attracted to those fields for enterprise, from which the Hudson's Bay Company exclude all others, and which, nevertheless, they only very partially occupy themselves.

But it is far otherwise with the subject to which we have now to turn—the influence of the Company's power and privileges upon the Indian population.

To the native Indian, the Company is all in all. It is his master—his lord—his “great medicine.”

The results of the Charter which we have now to contemplate, are fatal and universal; extending over a country upwards of four millions of square miles in extent, inhabited by fifty nations of human beings.

If that these human beings are uncivilised and poor—in fine, only savages—be a reason why their sufferings should be unheeded, and their interests despised by the Company; there are those, at any rate, by whom this will be deemed only a more irresistible claim for sympathy and protection.

Far from the least important result, therefore, of the dominion of the Company, to which we shall call attention, is the effect which it has upon the native population of North America; on behalf of whom, we protest against the frightful despotism to which England has unintentionally consigned them.

It is but a small part of the truth to say that the Hudson's Bay Company enjoy a right of exclusive trade with the Indian population. This right of

exclusive trade is, practically and positively, a right of exclusive property in the labour, life, and destinies of the Indian race. It is an absolute and unqualified dominion over their bodies and their souls—a dominion irresponsible to any legal authority—a despotism, whose severity no legislative control can mitigate, and no public opinion restrain. It knows but one limit, and obeys but one law,—“Put money in thy purse.” “God knows,” said the Rev. Mr. Beaver, the Company’s own Chaplain at the Columbia River, “God knows that I speak the conviction of my mind; and may he forgive me if I speak unadvisedly, when I state my belief, that the life of an Indian was never yet by a trapper put in competition with a beaver skin.”

A trading port is established in the heart of a tribe of Indians, who enjoy a savage independence, and draw from the woods and waters, by such rude implements as their untaught ingenuity can supply, a subsistence suited to their primitive condition and simple wants. The skins of the beaver and silver fox are not much in request, except as a chance article of clothing. But beaver skins, though unappreciated in the Indian camp, are valuable in the London market; and the Indians are not long in perceiving that hunting the buffalo, spearing fish,

and planting patches of maize, are pursuits less honourable in the eyes of the new comers, and less adapted to obtain the kind of wealth which the strangers import, than trapping otters, martins, and musquash ; which, if they do not supply food to the trapper, supply something more valuable to the trader. Time passes on, and the primitive bow and arrow, the bone-pointed spear, and snares of the sinews of the deer, are laid aside for more effective instruments of destruction—guns, steel traps, and scalping knives. And the ancient weapons of the chase, in the skilful use of which the Indians of old lived and multiplied upon the earth, are entirely forgotten, and exchanged for others, supplied by the strangers who have appeared amongst them, and who thus hold in their hands the thread of life of the whole Indian race.

The stroke of a pen, ordering the supply of ammunition to be stopped, can sweep a score of families from the face of the earth.

The original tribe, formidable in their collective numbers and strength, and therefore less manageable and subservient, is broken up, and dispersed in single families over hundreds of miles of waste forests, where each has the exclusive property of all the beavers, wild cats, wolves, and grizzly bears, &c.,

that may infest its particular hunting-ground, or "preserve."

The hunter, no longer attired in his comfortable primitive dress of leather or furs, shivers and starves under a civilised slop coat or shirt, decked out, with a profusion of lace, glass beads, gewgaws, and trinkets, all of which are purchased at the moderate rate of two thousand per cent. on their cost in London.

To complete the absolute and entire dependence of the Indian on the Company, he is invariably kept in debt; of the obligation of which, it is said, no human being is more sensible.

In the course of time, under a systematic and constant persecution, the larger animals which supply the food of the natives, and even those which yield the valuable furs for the London market, decrease in numbers, and become nearly or wholly exterminated.

The district, no longer valuable to the Company, must be abandoned; their trading fort is removed to a distant part of the country; the supply of powder, by which alone the natives can now ensure a subsistence, is stopped; and famine and cannibalism sweep off the wretched remnant of the native tribe.

The fate which sometimes engulfs an entire sec-

tion of the human family, is, however, daily operating upon individuals.

This is a doom which negro slavery has not recorded amongst its horrors. For the superannuated negro, when his period of toil is over, some occupation could be found, suited to his age and infirmities, which entitled him to the supply of the necessaries of his waning life; but the aged and disabled Indian, too haughty to beg, were it not indeed hopeless to obtain, the annual pittance of ammunition which might save his life, but which his falling energies can no longer earn, is driven to the woods, to seek a lingering death by famine, with all the honour and dignity of British liberty.

An apparently formidable array of evidence has been laid before the public, to demonstrate that the native Indians are improving under the management of the Company; and, in particular, much stress has been laid upon the evidence of the Bishop of Montreal, a prelate whose testimony must ever be entitled to profound respect. But it has already been said that the Bishop of Montreal was never further in the Hudson's Bay Company's territories than the Red River settlement; that is to say, only on their outskirts. Of what was the condition of the Indian tribes throughout the enormous extent of

the Indian territories, the Bishop did know, and professed to know, literally nothing, except what he heard from the officers of the Hudson's Bay Company.

Of the delightful scenes which his Lordship witnessed and described at the Red River, the Hudson's Bay Company are in no sense the authors. Those results are to be attributed to the labour and zeal of the clergy, who are supported for the most part by the Church Missionary Society, and to whom the Company, considering how much they obtain from the country and the natives, have afforded disgracefully little assistance and support.

That the inhabitants of the Red River settlement are little indebted to the Hudson's Bay Company for the benefit of education, is proved by one sentence in Sir George Simpson's Voyage round the World; in which he says, "As to the charges of education, four-fifths of them fall on the pious and charitable association just mentioned, (the Church Missionary Society,) while the remaining fifth is borne by such individual parents as are able and willing to spare fifteen shillings a year for the moral and intellectual culture of a child." *

* Sir G. Simpson's Overland Journey round the World. Vol. i., p. 54.

The impression left on the mind by the perusal of the Bishop of Montreal's account of the Red River settlement, so far from being one of pleasure and surprise that so much has been done for the education and civilization of the Indian population, is one of shame and sorrow; for it is impossible not to ask, what, with such facilities for humanising and instructing the savage, as are evidently afforded by his own abilities and disposition—what might not his race now be, had the Company acted in other parts of their territories as they have been compelled to act in the Red River?

The only Indians which the Bishop of Montreal saw were in the best part of the Company's territories; in a part where it is natural to suppose that they would be in a better condition than anywhere else,—on the route between the Red River settlement and Canada. And what does the good Bishop say of these Indians?

“Nothing can be more pitiable, in my estimation, than the condition of these poor heathens: nothing more calculated to excite an interest in favour of all rightly-conducted efforts for their conversion. They are sometimes regarded with a sort of admiration, as the unsophisticated children of nature; and, still more, as exhibiting the very impersonation of a high-toned independence, and an unshackled manliness of spirit.

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Children of nature they are: and what kind of moral nurse is mother nature, a Christian has no need to ask. They are, physically, a fine race of men; and they are perfectly susceptible of moral, and intellectual, and spiritual culture; but their actual condition presents a most degrading picture of humanity. Some of them came up to us in dirty blankets, or dirtier dresses of worn and tattered hare-skins: others were totally naked, except the waist-cloth; their heads, with scarcely an exception, protected only by an enormous mass of long black hair. Others, in the encampments, who appeared to be persons of some distinction, and whose attire was in better order, were tricked out more like Bedlamites than rational beings; a silly and indiscriminating passion for ornament prompting them to turn to this account whatever frippery they can become possessed of; so that the thimbles, for example, which they procure from the Company, are seen dangling at the end of long thin braids of hair which hung from the men's foreheads: some have feathers stuck into their hair, and these, perhaps, bent into an imitation of horns; with others appended to resemble the ears of an animal. Many have their faces painted, all the lower part of the visage being made perfectly black, and the eyes encircled with bright vermilion; but it would be impossible to describe the varieties of their costume, or their fantastic decorations: and there they sit, or rather squat, smoking and basking in the sun the live-long day, sunk in an indolence from which nothing seems to rouse them, but the excitement of war or of the chase.”*

Another authority, upon which great reliance has been placed,—an authority, certainly, of importance,

* The Bishop of Montreal's Journal of a Visit to the Red River Settlement, pp. 34-6. Hatchard. London. 1845.

because of the difficulty of obtaining any evidence independent of the Company, is the Report of the Aborigines Committee in 1837. The public may judge for themselves how far it is true, as has been asserted, that this Report is favourable to the character of the Company. The only part of the Report which treats of the natives in "The Indian Territories," is as follows:—

"Of the ulterior tribes, [those of the Hudson's Bay Company's territories,] the account given by Mr. King, who accompanied Captain Back in his late Arctic expedition, is deplorable: he gives it as his opinion, that the northern Indians have decreased greatly, and 'decidedly from contact with the Europeans.'

"Thus the Cree Indians, once a powerful tribe, 'have now degenerated into a few families, congregated about the European establishments; while some few still retain their ancient rights, and have become partly allies of a tribe of Indians that were once their slaves.' He supposes their numbers to have been reduced, within thirty or forty years, from eight thousand or ten thousand to two hundred, or, at most, three hundred; and has no doubt of the remnant being extirpated in a short time, if no measures are taken to improve their morals and to cultivate habits of civilization. It should be observed that this tribe had access to posts not comprehended within the Hudson's Bay Company's prohibition, as to the introduction of spirituous liquors, and that they miserably show the effects of the privilege.

"The Copper Indians also, through ill-management, *intemperance*, and vice, are said to have decreased, within the last five years, to one-half the number of what they were.

“The early quarrels between the Hudson’s Bay and the North-West Companies, in which the Indians were induced to take a bloody part, furnished them with a ruinous example of the savageness of Christians. Mr. Pelly, the chairman of the Hudson’s Bay Company, has, however, assured your Committee, that many of the evils caused by the rivalry of the two Companies, have been removed by their junction, and that the present Directors are well disposed to promote the welfare of the Indians: yet we observe, that the witness above quoted, Mr. King, who has travelled in the country, is of opinion, that even our system of peaceable trade has a tendency to become injurious to these people, by encouraging them in improvident habits, which frequently bring large parties of them to utter destitution, and to death by starvation.”

How far the information supplied to the Committee was correct, as to the supply of spirits to the Cree Indians from other than the Hudson’s Bay Company, is a matter of great doubt.

But that there was little need for such an explanation, is evident from the following sentence, in which *intemperance* is recorded as a cause of the destruction of the Copper Indians, who are far beyond the reach of any traders, except those of the Company.

In the course of this chapter, it will be sufficiently evident that the condition of the Indians is not that which has been represented by the Company. It will appear that they are in a condition of the extremest misery ; and that instead of increasing in

numbers, as has been asserted, they are rapidly decreasing over the entire continent of British North America. But it is not enough merely to shew that these things are so: it is necessary that we should trace these effects to their causes, and demonstrate that the system adopted by the Company is the main cause of all the evils inflicted on the wretched inhabitants. And it is the more necessary to do this, because a sympathy for the Indian races has been obtruded on the public by the Company as one of the chief characteristics of their proceedings.

The first matter that will engage our attention is, the system of traffic carried on with the natives; and it will be proved that the remuneration given to the Indian for hunting and trapping the fur-bearing animals, bears no proportion to the value of the fur, *i. e.*, to the profits of the Company, and that it is only a very small part of what the Indian would receive were the country open to the competition of rival traders.

The Hudson's Bay Company pay the Indian the least possible amount which will enable them to obtain the skins.

It has been asserted, with a view to throwing discredit on the above assertion, that the Company are by no means in the enjoyment of extravagant profits.

It is possible that the profits of the present Share-

holders may not be enormous: it is possible that they may have bought stock at such an increased value, that it is necessary, in order that they may be paid a reasonable dividend, to procure a certain supply of skins from the country at less than a certain cost; but that cost may be, at the same time, far less than the value which the furs would bear in their own country, supposing a monopoly of the trade did not exist.

It is quite possible, nay extremely probable, that the price of the Hudson's Bay Company's Stock is a great deal higher than it would be in case there were no exclusive trade; but the injury to the Indian is not one bit the less on this account. Is it fair and honourable trade, or is it a shame and disgrace to British merchants that the Indian be robbed of the fair value of his labour, (and robbed he is, if he would get more under a competition in trade, than under the present system,) in order that a sufficient dividend may be paid on the present price of Hudson's Bay Company's Stock? When we shew that the Indian is receiving only a fraction of what he ought to receive for his furs, it is enough to reply, "We can't afford to pay him more, otherwise we could not pay our own Shareholders ten per cent., because they bought Stock at such a high price?"

That the Indian does receive only a small part of the price which he would, under a system of open trade, obtain, is manifest from the following extracts. These extracts will shew, at the same time, the whole character of the Company's traffic with the Indians; and they have been arranged nearly in the order of date, for the purpose of proving that the result of this monopoly of the trade has been the same from the first history of the Company.

The following is quoted by Lieutenant Chappell, as shewing the state of the trade in the middle of the last century :—

“When the Indians came to the Factory, in June 1742, they could get but a pound of gunpowder for four beaver skins, a pound of shot for one beaver, an ell of coarse cloth for fifteen, a blanket for twelve, *two fish-hooks or three flints for one*, a gun for twenty-five skins, a pistol for ten, a hat with a white lace for seven, an axe for four, a checked shirt for seven, a hedging-bill for one, a gallon of brandy for four; all which was sold at the monstrous profit of 2,000 per cent.”*

In the appendix to Mr. Robson's work, we read the following :—

“By the standard of their trade,” [in Paper No. xix. laid before the Parliamentary Committee of Inquiry into the Conduct and Administration of the Hudson's

* Lieutenant Chappell's Voyage to Hudson's Bay, &c. London. 1817. P. 231.

Bay Company in the year 1742,] “ we may see how vast a price is charged to the natives upon the goods given them in exchange for their furs, which are all valued by the beaver skin as the standard. Thus, for a quart of English spirits, which the Company export at sixpence, and before they sell it to the natives mix it with one-third water, which reduces it to fourpence, they take a beaver skin, which has been sold at the Company’s sale, at a medium of ten years, for six shillings three farthings the pound weight, and a beaver skin generally weighs a pound and a half, so that they get nine shillings and a penny for fourpence, which is £2,700 per cent. profit. Upon other articles not so material, they do not gain above £500 or £600 per cent.: but in exchange for martens, the profit is double of that upon beavers, for they value three martens only as one beaver, and those at a medium of ten years have sold for six shillings a skin. It appears also from the standard, that one-third more is charged upon many articles at Nelson and Churchill Factories, than at Moose and Albany; and not content even with this extravagant profit, the factors are allowed to sell their goods considerably above the standard, which is called the profit upon the overplus trade.”*

“ In a table given by Umfraville, [in 1790,] we find the following equivalents for a beaver skin:—half a pound of glass beads, one pound of powder, one comb, one small burning-glass, twelve needles, one file, one ice-chisel, and one quart of brandy. Now, taking the last as an instance, one quart of brandy of the usual strength was worth one beaver skin; but by being half water, the price is made two. Now for spirits the Company pay at the rate of twenty shillings a gallon: this produces eight beaver skins weighing about ten pounds, which

* Robson’s Six Years’ Residence in Hudson’s Bay. London. 1752. App., p. 50.

at the medium of exchange, supposing it to be twelve shillings per pound, amounts to £6 sterling: if the brandy were traded for other skins, the return would be about £8. This calculation is considerably below the present prices. A fourpenny comb, says that writer, will barter for a bear's skin worth £2."*

Coming down to a later period, we have the testimony of Sir John Richardson, as follows:—

“The standard of exchange in all mercantile transactions with the natives is a beaver skin, the relative value of which, as originally established by the traders, differs considerably from the present worth of the article it represents; but the Indians are averse to change. Three martens, eight musk rats, or a single lynx, or wolverine skin, are equivalent to one beaver; a silver fox, white fox, or otter, are reckoned two beavers; and a black fox, or large black bear, is equal to four: a mode of reckoning, which has very little connexion with the real value of those different furs in the European market. Neither has any attention been paid to the original cost of European articles in fixing the tariff by which they are sold to the Indians, A coarse butcher's knife is one skin; a woollen blanket, or a fathom of coarse cloth, eight; and a fowling-piece, fifteen.”†

Dr. King, the same traveller whose evidence is referred to in the Report of the Aborigines Committee, above quoted, states his opinion in the following words:—

* The Oregon Territory, by the Rev. C. G. Nicholay. London. 1846. P. 162.

† Franklin's Journeys, &c. 4 Vols., 12mo. London. 1829. Vol. i., p. 161.

“By comparing the value given to the Indians for their furs, and the price they are sold for by the Hudson’s Bay Company in London, we may draw our conclusions as to the oppression of these people. Three marten skins are obtained for a coarse knife, the utmost value of which, including the expenses of conveying it to those distant regions, cannot be estimated at more than sixpence: and three of these skins were sold last January in London for five guineas. With the more expensive furs, such as the black fox or sea-otter, the profit is more than trebled; and but a few years ago, a single skin of the former species sold for fifty guineas, while the native obtained in exchange the value of *two shillings*. Surely the Honourable Company, which by Royal Charter is permitted to reap such golden harvests, might appropriate a small fund to rescue from starvation the decrepit and diseased, who in their youthful days contributed to its wealth.”*

That the remuneration which the natives receive is very different where the Company are brought into competition with others, is sufficiently attested by the following statement of Mr. Alexander Simpson:—

“The prices paid to the Indians for their furs, are in general exceedingly small. Throughout the whole of the protected territories, the value of goods bestowed for furs is certainly under *one-twentieth* of the value of their furs in England. While in places not protected, in order to crush or prevent competition even more than their full value has occasionally been given; and at the establishments on the outskirts of Canada the prices permanently offered are *from two to ten-fold*

* King’s Narrative. Vol. ii., p. 53.

greater than those given to the natives of the regions over which an exclusive right of trade exists.”*

The same testimony is given by the Rev. Mr. Beaver, in his letter to the Aborigines Protection Society:—

“It should never be forgotten that the Hudson’s Bay Company are but as invaders of the soil on which these excesses are committed by their servants; and that, as such, the least they can do is to restrain all unnecessary violence towards the rightful possessors.” * * *

“With respect to the furs of that country—to rob their lawful owner of them, by taking possession of them, either with no payment or a most inadequate one, is surely not a legitimate method of teaching him their proper use and value. Of articles bartered by the Company for peltry and other native produce, one-half may be classed as useless, one quarter as pernicious, and the remainder of doubtful utility.”†

There is now before me a manuscript Journal by a Mr. Dunn, who was for several years a servant of the Hudson’s Bay Company, and who wrote a book in which he endeavoured to prop up the character of the Company. This Journal is in Mr. Dunn’s handwriting, and contains notes of a trading voyage which he went in one of the Company’s vessels along the north-west coast. The trade at this time was open to both Americans and English, and Mr. Dunn

* The Life, &c., of Thomas Simpson, by his Brother. London. 1845. 8vo. P. 427.

† Tracts relative to the Aborigines. London. 1843. Tract viii., pp. 19, 20.

frequently, in the course of his story, records the increase in the price of furs, in consequence of the competition of the Americans.

One quotation will be enough : a multitude might be given. He says :—

“Sunday, 15.—A fine breeze during the night : about twelve o'clock anchored in Kieb Cove. Captain Raymond with the barque ‘Active,’ is lying here : the Indians have returned, and there seems an immense quantity here.

“Monday, 16.—Fine weather : traded a very few skins, nothing to speak of; but, however, we have *done* the American brig : he was thinking to have them all to himself :—*he then increased his price, and we increased ours.*

“Tuesday, 17.—Fine in the fore-part of the day : light showers towards the evening : traded several skins, but rather dear, *as we are now opposing the Americans.*”

Now it must not be forgotten that the evidence of Captain Wilkes, as well as of others who have been quoted, as speaking favourably of the system of the Company, refers only to this part of their territories, where their transactions are totally different from what they are when not subject to the competition or observation of others.

When we compare the evidence of Captain Wilkes and others, as to the condition of the Indians on the west side of the Rocky Mountains, with all the testimony that can be obtained respecting the condition of those on the east side, or in Rupert's Land,

there cannot be a moment's doubt that those on the shores of the Pacific are in much the better condition of the two ; that is to say, that in that part of the country where the Company have had to compete, until the last year or two, with the Americans, the native population is in a far less degraded condition than where the exclusive trade is enforced. Yet England granted this exclusive trade in mock humanity to the native Indian !

It has been stated above, that the natives are completely dependent on the Hudson's Bay Company.

The evidence of Dr. King on this point is conclusive. He says :—

“By various means the Hudson's Bay Company has succeeded in rendering the natives entirely dependent upon them for existence, and they deeply feel their degraded situation. The introduction of fire-arms may be assigned as one cause, for as long as they could obtain a supply of ammunition, they neglected the use of the bow and arrow, the spear, and the various modes of trapping and snaring their game ; which, from constant disuse, they have now wholly forgotten. That of granting on credit, both in the spring and autumn, a larger outfit of clothing and ammunition than the Indians are able to defray by their winter and summer excursions, places them so completely in the power of the trader by the debt thus incurred, that this must be considered another cause of their decline. *When they become advanced in life, and no longer able to hunt, they are refused a supply of ammunition which has become essential to their very existence, and they die*

consequently from absolute starvation. These evils have been increasing on them of late to so great an extent, that they have become cannibals by necessity; and scarcely a month passes but some horrible tale of cannibalism is brought to the different establishments.”*

The next point to be noticed in the policy of the Company towards the natives, is the credit that has been universally given them for having put an end to the use of ardent spirits in their traffic.

This credit has been given the Company entirely upon their own evidence: whether it be due to them, we have now to inquire.

It is not asserted that spirits are an authorised article of traffic with the Indians. But it is true that spirits are habitually used in the country for the purpose of procuring furs. Whether rum be *paid* as the nominal equivalent for the skins, or *given away*, to induce the Indian to part with his skins for a specified value, is one and the same thing.

There cannot be greater nonsense, than to talk about *the exertions* of the Hudson's Bay Company to put a stop to the trade of ardent liquors. There is not one article, not a glass bead, that finds its way into the whole country without the Company's cognizance and permission. There is no conceivable mode by which spirits can get thither, unless

* King's Narrative. Vol. ii., p. 52.

they be transmitted by the Company; there is absolutely no other means of conveyance. Consequently one stroke of Sir J. H. Pelly's pen would prevent a single gallon of spirits entering the country again.

But the fact is, that spirits do find their way into the country, and are administered to the natives, whenever furs may be obtained thereby. If Mr. Beaver could say that the life of an Indian was never put in competition with a beaver skin, it is equally true that a beaver skin was never lost to the Company for want of a pint of rum.

And it is utterly false, to say that the exclusive trade is necessary, in order to stop the supply of spirits to the Indians.

Early in this century the subject of preventing the circulation of ardent liquors amongst the Indians occupied the attention of Mr. Wilberforce and many other philanthropists. And the North-West Company, although competing in the fur trade both with the Americans and with the Hudson's Bay Company, entered warmly into the views of those gentlemen. In two years, the quantity of spirits used by the North-West Company was lessened from fifty thousand to ten thousand gallons. The North-West Company at that time employed two thousand whites in its service. The Hudson's Bay

Company now employs about one thousand white servants ; and the quantity of spirits introduced into the country in the year 1845 was nine thousand and seventy-five gallons :—that is, the North-West Company, under a system of free trade, used only *half the quantity of spirits per man*, which the Hudson's Bay Company use under their monopoly.

In the Report of the Aborigines Committee, quoted above, it may have been remarked that *intemperance* is spoken of as a cause of decrease amongst the natives of the North—a fact which implies that they were supplied with the means of indulging in that vice.

There is evidence on this head which is unfortunately not to be got at by the public. It is, however, a fact, that there are letters among the papers of the Church Missionary Society, in which there is ample evidence of the supply of spirits to the Indians.

There is similar evidence among the documents of the Wesleyan Methodists' Missionary Society. But neither of these bodies think they are called upon to put these facts before the public. This evidence would, however, of course, be forthcoming before a Parliamentary Committee.

We can do no more than assert that it exists.

But the Hudson's Bay Company have the strongest of all inducements, apart from the philanthropy for which we have been so ready to give them credit, to prevent the general use of intoxicating liquors, which incapacitate the Indian for the chase, and destroy the regularity of the supply of furs on which the profits of the Company depend. And yet they put it within the power of their traders to distribute this poison throughout the country, not only with the excuse of an anticipated gain, but sometimes it would seem for a joke.

Mr. Ross Cox says, in his Narrative,—

“ All the Indians on the Columbia entertain a strong aversion to ardent spirits, which they regard as poison. They allege that slaves only drink to excess, and that drunkenness is degrading to free men. On one occasion, some of the gentlemen at Fort George induced a son of Concomby, the chief, to drink a few glasses of rum : intoxication quickly followed, accompanied by sickness, in which condition he returned home to his father's house, and for a couple of days remained in a state of stupor. The old chief subsequently reproached the people at the Fort for having degraded his son by making him drink, and thereby exposing him to the laughter of his slaves.”*

Mr. King also, in his Narrative already quoted,

* Narrative of Six Years' Residence on the Western Side of the Rocky Mountains, by Ross Cox. Bentley. 1831. Vol. i., p. 321.

states that the Chippewyans beyond Cumberland House are averse to the use of spirituous liquors, and to this cause may be imputed not only their superiority in numbers, but in moral character also.*

Again, at page 50 of the same work, we read,—

“The agents of the Hudson’s Bay Company are not satisfied with putting so insignificant a value upon the furs, that the more active hunters only can gain a support, which necessarily leads to the death of the more aged and infirm by starvation and cannibalism, but they encourage the intemperate use of ardent spirits. From the effect of intoxication upon Europeans, an adequate notion of the frenzy with which a North American Indian is inspired when under the influence of liquor, can scarcely be formed. He will then with equal indifference shed the blood of a friend or foe; his dearest connexions are murdered without compunction; and when the unfortunate wretch has recovered his reason, he laments in vain the misery which his own fury has entailed upon him. Notwithstanding the Indians justly ascribe to the fur traders the blame of having supplied them with that which has caused such desolation, they will not scruple to seize the first opportunity of again obtaining the poisonous draught, and plunging with headlong infatuation into new scenes of riot and bloodshed.”

And again, at page 51,—

“Additionally, the natives clearly perceive that the use of spirituous liquors is depopulating their country in a fearful manner, and yet they have not strength of

* King’s Narrative. Vol. ii., p. 52.

mind to withstand the temptation which the traders, from interested motives, are daily holding out to them by an ample supply, as long as they have any furs to barter."

But the opinion of Mr. Alexander Simpson, one of the Company's own chief traders, is to the same effect. He says,—

That body (the Hudson's Bay Company) has assumed much credit for its discontinuance of the sale of spirituous liquors at its trading establishments; but I apprehend that in this matter it has both claimed and received more of praise than is its due. The issue of spirits has not been discontinued by it on *principle*, indeed has not been discontinued at all where there is a possibility of diminution of trade through the Indians having the power to resent this deprivation of their accustomed and much-loved annual jollification, by carrying their furs to another market."*

Mr. Kennedy, once a servant of the Hudson's Bay Company, has been publishing some letters to Lord Elgin on the subject of the policy of that body. Whether Mr. Kennedy has, as I have heard it hinted, any private reasons for thus attacking the Company, I do not know—nor is it of any importance.

Two boys once on a time robbed their master's orchard: one demanding too large a share

* MS. Report on the Condition of the North American Indians, addressed to the Aborigines' Protection Society, by Alexander Simpson.

of the spoil, the other told the master of the robbery. The master called the delinquents before him. "Please, sir," said the first boy, "he told you out of spite, because he could not get more of the apples." "That may be," said the master; "but did you rob my orchard?" So let it be with Mr. Kennedy and the Company. It is a matter of no importance why Mr. Kennedy tells tales: the question is, Does he tell truth? Mr. Kennedy says, in one of his letters,—

"Your Excellency is said to have reported 'that in your opinion the government of the Hudson's Bay Company was good;' and I most readily grant that, in so far as they have laid down rules and regulations, none can be better, as any one may judge from the following, which, as they apply to the cases I intend bringing before your notice, I transcribe.

"Rules and Regulations.—'That Indians be treated with kindness and indulgence, and mild and conciliating means resorted to, in order to encourage industry, redress vice, and inculcate morality; that the *use of spirituous* liquors be gradually discontinued in the few districts in which it is yet indispensable; and that the Indians be liberally supplied with the requisite necessities, *particularly with the article of ammunition*, whether they have the means of paying for it or not.

"That, for the moral and religious improvement of the servants, and more effectual civilization and instruction of the families attached to the different establishments, and the Indians, on every Sunday Divine Service be publicly read with becoming solemnity, either once or twice a day, to be regulated by the number, at

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which every man, woman, and child, resident, will be required to attend, together with any of the Indians who may be at hand, and whom it may be proper to invite. And for which service appropriate religious books will be furnished by and on account of the Company.’

“These, my Lord, cannot but command universal assent ; and it was, until a very late period of my connexion with the Company, ever my pride and boast to have been brought up for, and in, a service where such a healthful code of rules existed. But, to my utter astonishment, I came to see that these rules were often treated as a dead letter, as you, my Lord, may judge from the following circumstances.”

Mr. Kennedy then relates the case of an atrocious murder, which was perpetrated through the influence of “*traded rum*,” at the very door of one of the Company’s establishments ; and that the Company refused to take any notice of the offence, because the murderer was one of the “best fur hunters” at the post. He continues,—

“This circumstance was among the first instances in which misrule of so gross a kind had passed before my own personal observation. It afforded me an excellent opportunity of testing the health of some of their standing rules, and that which I first transcribed is referred to. The trading post at which this had taken place was entrusted, soon after, to my care ; and, on assuming my duties, it was my first care to do away entirely with the use of intoxicating liquors, to which the Indians readily submitted. The attempt was crushed in the birth, as I

was forthwith told if I persisted in doing so, I should abide the consequences: which meant, that if fewer furs were collected, and less profits made than usual, I must bear the blame."

In a letter to the *Kingston Chronicle* newspaper, 27th September, 1848, the same gentleman says,—

"The Hudson's Bay Company have, in some instances, with their *rum*, traded the goods given in presents to the Indians by the Canadian Government, and afterwards re-traded the same with them at an advance of little short of a thousand per cent.!! Let any magistrate be named in Kingston, and I will get the man who did it by their orders to swear to the fact."

These are facts or falsehoods. At any rate, coming along with so much other testimony from independent persons, they do demand inquiry.

The following extracts from the MS. Journal of Mr. Dunn, before quoted, are well worthy of remark. They are the simple notes of passing events, put upon paper, with no apparent object, but for the writer's satisfaction; and the incidental manner in which the trading with spirits is mentioned, is strong evidence that it was an ordinary custom.

"Sunday, March 11, 1832.—It being Sunday, the Indians remained in their huts, (perhaps) praying, or most likely singing, over the *rum* they had traded with us on Saturday, making a great noise.

"Thursday, April 26.—This has been a very fine day, a great many Indians on board, and we have

traded a number of skins. They seem to like *rum* very much *here*. We have sold an immense quantity of molasses *also*.

“Friday, May 4.—A few Indians on board with skins in the evening; they were all *drunk*: went on shore; made a fire about 11 o'clock; being then all drunk, began firing upon one another.

“Saturday, June 30.—The Indians are now bringing their blankets to trade, as their skins are all gone: they seem very fond of *rum*.

“Wednesday, July 11.—This morning the chiefs had a grand feast among themselves. They traded a quantity of rum from us, singing during the day.”

It is impossible not to conclude from such evidence, that the statement put forward that the Company have put a stop to the sale of spirits since they obtained the Licence of Trade in 1821, is entirely contrary to the truth.

On this head we shall adduce only one more witness; but it is an important one. Not long ago it was thought advisable that the evidence of some men who had been in the service of the Company, and who have since returned to the Orkney Islands, their native place, should be procured on some points relative to the proceedings of the Company. The examination was made, and is attested, by five thoroughly trustworthy and respectable persons. The evidence of these men may some day form part of a Parliamentary paper. It is sufficient here

to quote one question, and the answers given by them,—men who had been in the service of the Company in various parts of the territories, and for a period of many years.

The question put, was as follows :—

“ Are intoxicating liquors supplied in any part of the country—and where ? ”

The answers by the five men severally, were—

1. “ Intoxicating liquors were supplied to the Indians at all the places where I was.

2. “ All but the Mandan Indians were desirous to obtain intoxicating liquors, *and the Company supply them with it freely.*

3. “ At Jack River, I saw spirits given in exchange for furs.

4. “ At York Factory, and at Oxford House.

5. “ At Norway House only.”

But one of the most suspicious facts which has come out, is that alluded to in Mr. Gladstone's speech, on the 10th August last—viz., that in the year 1837, the year in which the Company were trying to obtain the renewal of the licence of exclusive trade, the quantity of spirits introduced into the country was only 3,800 gallons ; whilst in 1845, the quantity was 9,075 gallons. This statement has never yet been denied : is it true, or not ?

Now it may be supposed that this policy has not

been carried on for so many years, without producing its natural results. Recollecting that this monopoly has been granted and continued on the very grounds that without it the Indian race would be greatly injured—recollecting that the public have been deceived into the belief that their benevolent intentions have been realized, it is with something like indignation we now learn that the sole benefit gained from the whole transaction has been by the 232 proprietors of the Hudson's Bay Company's Stock.

What do witnesses who are not in the pay or interest of the Company say, with respect to the condition of the Indian? And what is the real truth as to the increase or decrease of the Indian population? The Company have put this forward as a *test* of the success of their sway: let them stand or fall by it.

“There are some extensive tracts of country in which the means of subsistence are scanty in the extreme. In the region lying between Lake Superior and Winnipeg, the natives during the winter can with difficulty collect enough of food to support life. In the country lying immediately north of the Canadas, though fur-bearing animals are still comparatively numerous, and the trade consequently valuable, the poor Indians have at all times a hard fight against famine. In this tract of country fish is at all seasons scarce, and in winter the sole dependence of the natives for subsistence is placed

upon rabbits, (the most wretched food upon which to exist for any time that can possibly be conceived,) and when these fail the most frightful tragedies at times take place. Parents have been known to lengthen out a miserable existence, by killing and devouring their own offspring.”*

It is not a charge against the Company that the country is not fertile by nature; but it is a charge that there is not one single vestige of any attempt on the part of the civilised man to assist or to teach the savage to overcome its natural sterility, and to change the precarious livelihood obtained by the chase, for a certain subsistence derived from the cultivation of the soil.

Mr. Kennedy, in his letter to Lord Elgin, already quoted, gives the following extracts from letters received by him last autumn and this spring, from correspondents in the Hudson Bay Company's territories.

“ One says :— ‘ You will be grieved to learn that the curse which had effect in the old country, has extended here, though arising from causes of more frequent occurrence than even the failure of the crops. Starvation has, I learn, committed great havoc among your old friends the Nascopies, numbers of whom met their death from want last winter. Whole camps of them were found dead without one survivor to tell the tale of their sufferings; others sustained life in a way the most revolting, by

* Life of Thomas Simpson, p. 429.

using as food the dead bodies of their companions; some even bled their own children to death, and sustained life with their bodies!'"

"Another letter says:—'At Fort Nascopeie, the Indians were dying in dozens by starvation; and, among others, your old friend, Paytabais.'"

"A third says:—'A great number of Indians starved to death last winter, and ——— says it was ———'s *fault in not giving them enough of ammunition!*'"

The following is from Dr. King's Narrative:—

"A few days afterwards, an Indian in a diseased state, with his wife and three children, arrived in so miserable a condition that they were mere skeletons; and, in the evening of the same day, another Indian came in with two boys, of the age of ten and fourteen years. The latter we soon got rid of; and on the 13th, the two women and four children were sent away: the diseased Indian was allowed to remain; in fact, his legs were so excoriated, from the constant friction of his frozen robe against them, that he literally could not move. He soon, however, recovered and followed—but not to join them; for out of that party of nine, not a soul escaped. Poor creatures! they lay stretched on the lake far happier, let us hope, than the disconsolate being who was destined to witness so horrid a spectacle. The temperature, on their departure, was 92° below the freezing point; and, four days afterwards, the thermometer descended as low as 102°. Such intense cold, in their emaciated state, very soon put an end to their sufferings.

"The old woman was found at the same time frozen in her hut; a circumstance so little anticipated, that it was not until the dogs had dragged her out from her miserable dwelling, that we were aware of it. That calamity was the more deplorable, as she had recovered

of late so rapidly, that in a few days more she would, in all human probability, have walked again. No time was lost in burying the body, as the only means of saving it from the voracious dogs, which had of late been on very short allowance of pemican—a food that does not agree with the canine species.

“ At that time, between forty and fifty human beings lay dead around us, and so scattered, that it was impossible to walk in any direction within twenty miles, without stumbling against a frozen body. This was not, however, a solitary instance of extreme misfortune to the natives of the north, for the two previous years had been pregnant with the same appalling visitations to the inhabitants of the country about Slave Lake and Mackenzie’s River. In the neighbourhood of the Riviere au Liard, a tributary to the Mackenzie from the westward, many of the Chippewyans had been destroyed by famine: the actual number of deaths could not be ascertained, with the exception of forty of the choicest hunters, whose fate was known. Considering, therefore, that their wives and families were equally unfortunate, and, generally speaking, they are the first to fall a sacrifice, there could not have been a less number than from 100 to 150 of our fellow-creatures deprived of life at that place alone. It will not require many such years to exterminate the whole of the noble and intelligent races of the north.”*

An extremely agreeable book has lately appeared by Mr. Ballantyne, containing a description of the Hudson’s Bay territories. This account is manifestly favourable to the Company; but the author seems to have written with the joyous and happy

* Vol. i., p. 169—171.

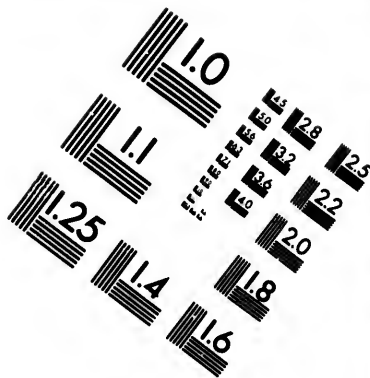
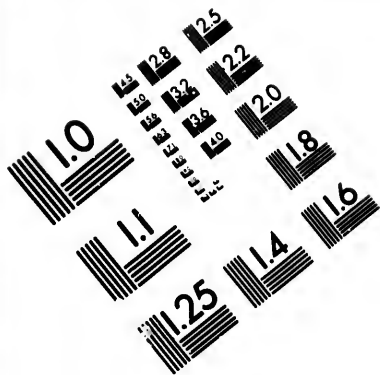
impressions of youth, and to have viewed the sunny side of all that came under his observation. But even in this work we find evidence of a similar nature to that given above, in such passages as the following:—

“At these posts, the Indians *are frequently reduced to cannibalism*; and the Company's people have, on more than one occasion, been obliged to eat their beaver skins. * * * This was the case one winter in Peel's River, a post within the Arctic circle in charge of Mr. Bell, a chief trader in the service; and I remember well reading in one of his letters, that all the fresh provision they had been able to procure during the winter was, two squirrels and one crow. During this time they had existed on a quantity of dried meat, which they fortunately had in store, and they were obliged to lock the gates of the fort to preserve the remainder from the wretched Indians, who were eating each other outside the walls. The cause of all this misery was the entire failure of the fisheries, together with great scarcity of wild animals. Starvation is quite common among the Indians of those distant regions; and the scraped rocks, divested of their covering of *tripe de roche*, which resembles dried seaweed, have a sad meaning and melancholy appearance to the travellers who journey through the wilds and solitudes of Rupert's Land.”*

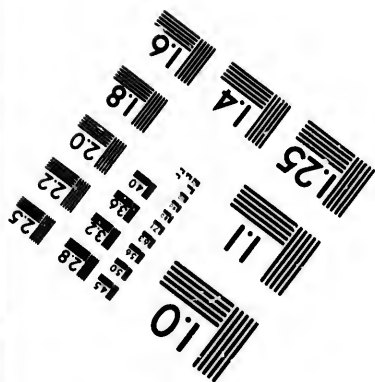
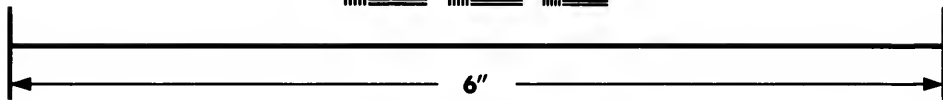
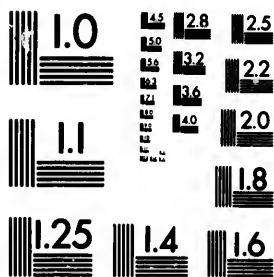
“If an old man or woman of the tribe becomes infirm, and unable to proceed with the rest when travelling, he or she, as the case may be, is left behind in a small tent made of willows, in which are placed a little firewood, some provisions, and a vessel of water. Here the un-

* Ballantyne's Hudson Bay. Second Edition. P. 120.





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happy wretch remains in solitude till the fuel and provisions are exhausted, and then dies.”*

The fiction as to the increase of the native population on the north-west coast is destroyed at once by the testimony of Captain Wilkes, from whose work so much has been quoted by the Company’s champion.

“During my stay at Vancouver, I frequently saw Casenove, the chief of the Klackatack tribe. He lives in a lodge near the village of Vancouver, and has always been a warm friend of the whites. He was lord of all this domain. His village was situated about six miles below Vancouver, on the north side of the river, and within the last fifteen years was quite populous. He then could muster four or five hundred warriors; but the ague and fever have, within a short space of time, swept off the whole tribe, and it is said that they all died within three weeks. He now stands alone,—his land, tribe, and property, all departed, and he left a dependant on the bounty of the Company.

* * * * *

“Casenove’s tribe is not the only one that has suffered in this way; many others have been swept off entirely by this fatal disease, without having a single survivor to tell the melancholy tale.”†

Mr. Parker, the American missionary, also says—

“I have found the Indian population in the lower country, that is below the falls of the Columbia, less

* Ballantyne’s Hudson Bay. Second Edition. P. 56.

† Commodore Wilkes’ Narrative of the United States Exploring Expedition. Vol. iv., p. 369.

than I had expected, or than it was when Lewis and Clarke made their tour. Since the year 1829, probably seven-eighths, if not as Dr. M'Laughlin believes, nine-tenths, of the entire population have been swept away by disease, principally by fever and ague. The malignancy of these diseases may have been increased by predisposing causes, such as intemperance, and the general spread of venereal since their intercourse with sailors. But a more direct cause of the great mortality was their mode of treatment."*

In a note to this passage, in Chambers' edition of Parker's Journal, we find the following:—

“In taking leave of the territories on the Columbia, it may be proper to mention a circumstance very slightly noticed by Mr. Parker—the dreadful depopulation which has already taken place amongst the Indian tribes in this extreme western district, caused by the practice of incessant and murderous wars, and also the visitation of diseases, introduced by the white men. The subject is thus alluded to by Mr. Townsend:—‘The Indians of the Columbia were once a numerous and powerful people; the shores of the river, for scores of miles, was lined with their villages; the council fire was frequently lighted, the pipes passed round, and the destinies of the nation deliberated upon. War was declared against neighbouring tribes; the deadly tomahawk was lifted, and not buried until it was red with the blood of the savage; the bounding deer was hunted and killed, and his antlers ornamented the wigwam of the red man; the scalps of the Indian's enemies hung drying in the smoke of his lodge, and he was happy. Now, alas! where is he? gone—gathered to his fathers, and to his

* Journal of a Tour beyond the Rocky Mountains, by the Rev. S. Parker. Ithaca, New York. 1838. P. 178.

happy grounds; his place knows him no more. The depopulation has been truly fearful. A gentleman told me, that only four years ago, as he wandered near what had formerly been a thickly-peopled village, he counted no less than sixteen dead men and women lying unburied, and festering in the sun, in front of their habitations. Within the houses all were sick; not one had escaped the contagion: upwards of one hundred individuals, men, women, and children, were writhing in agony on the floors of the houses, with no one to render them any assistance; some were in the dying struggle, and clenching, with the convulsive grasps of death, their disease-worn companions, shrieked and howled in the last sharp agony. Probably there does not now exist one, where five years ago there was a hundred Indians; and in sailing up the river from the Cape of the Cascades; the only evidence of the existence of the Indian, is an occasional miserable wigwam, with a few wretched half-starved occupants.'"*

It is not possible that men occupying the position which is held by the Company's agents, at their remote trading posts, should not reflect, in their own character and conduct, the scenes by which they are surrounded.

The consciousness of uncontrolled power is, under any circumstances, a fearful trial to man: but here is power exercised amid the measureless forest, from which no echo can come to tell the horrors by which it is surrounded, nor voice can penetrate to call its

* Id. Chambers' Edition. Note, p. 69.

possessor to account. This is a system which plants the civilised man amongst savages, not to illumine their darkness, but to be absorbed into their gloom.

Those who have seen what is going on in this remote country, and who have no longer the gag upon their mouths, which the strict discipline of the Company imposes, tell many fearful tales of the scenes which are sometimes enacted. But enough has already been published to justify the demand for inquiry.

The Rev. Mr. Beaver thus writes to the Aborigines Protection Society, in 1842 :—

“ About the middle of the summer 1836, and shortly before my arrival at Fort Vancouver, six Indians were wantonly and gratuitously murdered by a party of trappers and sailors, who landed for the purpose from one of the Company’s vessels, on the coast somewhere between the mouth of the River Columbia, and the confines of California. Having on a former occasion read the particulars of this horrid massacre as I received them from an eye witness, before a Meeting of the Aborigines Society, I will not repeat them. To my certain knowledge, the circumstance was brought officially before the authorities of Vancouver, by whom no notice was taken of it; and the same party of trappers, with the same leader, one of the most infamous murderers of a murderous fraternity, is annually sent to the same vicinity, to perform, if they please, other equally tragic scenes. God alone knows how many red men’s lives have been sacrificed by them since the time of which I have been speaking. *He also knows that. I speak the*

conviction of my mind, and may He forgive me if I speak unadvisedly, when I state my firm belief that THE LIFE OF AN INDIAN WAS NEVER YET, BY A TRAPPER, PUT IN COMPETITION WITH A BEAVER'S SKIN! The very way in which the aborigines are spoken of by the trappers, and leaders of trapping parties, goes far to prove the correctness of my assertion. 'Those d——d,' 'those rascally,' 'those treacherous Indians,' are the unmerited appellations, by which the race is universally designated.

"In the former part of the same year, I was credibly informed that the same party killed one Indian, wounded another, (supposed mortally,) and threw a child into the fire, in consequence of a quarrel respecting a knife, which was afterwards found upon one of themselves. And during the year before, they put four Indians to death for stealing their horses, which might be pleaded as some excuse for the brutality, but that they afterwards killed ten or twelve more in cold blood, and set fire to their village. The Indians lived in such constant dread of this party, that they were unable to descend into the plains from their fastnesses in the mountains, to procure their usual modes of subsistence."*

"Since writing the above," he adds at the end of his communication, "I have learned from good authority, that in the month of August 1840, an Indian was hanged near the mouth of the Columbia River, and several others shot, and their village set on fire, by a party in the employment of the Hudson's Bay Company, under the command of Chief Factor M'Laughlin, who led them from Fort Vancouver; thus indiscriminately to revenge the death of a man, who lost his life in an affray whilst curing salmon."†

* Tracts relative to the Aborigines. London. 1842. 8vo. Tract viii., p. 19.

† Id., p. 22.

Lieutenant Chappell, in his "Voyage to Hudson's Bay in H.M.S. Rosamond," relates that on one occasion an English boy having been missed from one of the establishments in Hudson's Bay, the Company's servants, in order to recover the absent youth, made use of the following stratagem:—

"Two Esquimaux Indians were seized and confined in separate apartments. A musket was discharged in a remote apartment, and the settlers entering the room in which one of the Esquimaux was confined, they informed him by signs that his comrade had been put to death for decoying away the boy; and they gave him to understand at the same time, that he must prepare to undergo the same fate, unless he would faithfully pledge himself to restore the absentee. The Esquimaux naturally promised everything, and on being set at liberty made the best of his way into the woods, and of course was never afterwards heard of. They kept the other a prisoner for some time: at length he tried to make his escape, by boldly seizing the sentinel's firelock at night, but the piece accidentally going off, he was so terrified at the report, that they easily replaced him in confinement; yet either the loss of liberty, a supposition that his countryman had been murdered, or that he was himself reserved for some cruel death, deprived the poor wretch of reason. As he became exceedingly troublesome, the settlers held a conference as to the most eligible mode of getting rid of him; *and it being deemed good policy to deter the natives from similar offences by making an example, they accordingly SHOT the poor maniac in cold blood, without having given themselves the trouble to ascertain whether he was really guilty or innocent.*"*

* P. 156.

In a letter to the *Kingston Chronicle* newspaper, of September 27th, 1848, Mr. Kennedy writes as follows :—

“ It is not many years since that a trading post of the Company, situated on the southern shore of James’ Bay, was cut off almost to a man by the Indians : it is said they were provoked to it. To revenge this, the Company fitted out an armed expedition, which in time came upon the party, and though they were perfectly unresisting, the culprit said to have been the leader in that affair was bound hand and foot, and *without the least form of trial* whatsoever, was shattered to pieces ; each man of the expedition all but touching the body with the muzzle of his gun before drawing his trigger. The Company had not even the humanity in this butchery to prevent one brother-in-law from shooting the other.”

These are some of the tales which are told by those who have lived in the Company’s territories. But they are not all. There are rumours of tragedies which it becomes no one to detail who cannot vouch for their truth. There are stories credited by men who have been formerly servants of the Company, I believe I might have said witnessed by them, which nothing but a Parliamentary inquiry could thoroughly elicit.

And why do we enlarge on these melancholy scenes. It is not from any mock philanthropy, or because we expect the Hudson’s Bay Company to transform savages at once into Christians. It is

not that we do not know there must be a difficulty in administering the law and maintaining order over the boundless domain which has been entrusted to their Government. But when this Company have made use of an appeal to our philanthropy to advance their own interests;—when they have advocated their own rights, on the grounds that the native Indian is benefited by their rule;—when an attention to the condition of the Indian is one of the very duties imposed on them by their Licence of Trade as a condition of enjoying its privileges—then it is time that England should inquire whether these professions are more than mockery, and the fulfilment of their duties nothing but fiction.

The Company have bound themselves under a bond of £5,000 to Her Majesty, that they will convey felons to the Canadian Courts for trial.

This country did not deem it wise or expedient to invest a Company, whose dealings were shut out from all the world, with the unlimited power of life and death over all in their territories; so a jurisdiction was granted, under Act of Parliament, to Magistrates, to be appointed throughout those countries, to try cases of minor importance, but a bond was taken of the Company, that they would transmit *felons to the Canadian Courts* for trial.

Will the Company dare to assert that no case of felony—that no case of murder even—has been reported to their officers and agents, throughout the whole of their territories, during the nearly thirty years that they have been under that bond? And yet have they ever transmitted one single criminal to Canada for trial?

On the contrary. Mr. Alexander Simpson, one of the Company's best agents, tells us that the Company have "*an invariable rule of avenging the murder by Indians of any of its servants—BLOOD FOR BLOOD, without trial of any kind.*"*

This is, indeed, an awful translation of the significant motto of the Company: "Pro pelle cutem."

And Sir G. Simpson, the Governor of the whole country, admits the same principle, when he says, "whether, in matters of life and death, or of petty theft, the rule of *retaliation* is the only standard of equity which the tribes on this coast are capable of appreciating." †

And what reply do the Company make to these charges? Nothing more than general statements, for the most part from men who are themselves part

* Life of Thomas Simpson, p. 427.

† Sir G. Simpson's Voyage round the World. Vol. i., p. 194.

and parcel of, and whose whole interest it is to support, the iniquitous system which bestrides half the continent of North America ; or still vaguer opinions, from men who repeat what they have heard from the partners and factors of the Company.

But they do more than this. This evidence is not considered enough ; therefore wholesale fiction is resorted to. So it is thought necessary that some one should assert, "that the Company maintain several Medical Officers for different forts ; and at every trading establishment there is, in fact, an Indian Hospital, from which the natives derive the greatest benefit, as they resort thither in great numbers, when suffering from age, infirmities, or other causes."*

When the Hudson's Bay Company are reduced to the necessity of putting forth such fabrications as this, they must have a rotten cause indeed to defend ; but there are not two honest men who have been in the country who would put their names to such an assertion as the above.

In contradiction, I shall merely quote a passage from the evidence of the five Orkney men, which was mentioned above, page 164.

* Mr. M. Martin's Hudson's Bay Territories. London. 1848. P. 58.

Q. "Are those Indians who may be afflicted with disease or sickness, usually received into the forts for the purpose of being cured?"

A. 1. "Very rarely.

2. "No.

3. "I never knew a case but one, of an Indian having been taken into the fort for the purpose of medical assistance. This case was at Fort Simpson.

4. "Not to my knowledge.

5. "Never knew of any."

Q. "Is it customary for those who are too old to hunt, or who are disabled in any way from supporting themselves, to be maintained at the forts?"

A. 1. "There may be some cases, but it is not customary.

2. "No.

3. "It is not customary.

4. "I have never known anything of the kind done.

5. "Never knew anything of the kind done."

There is one more point respecting the relations between the North American Indian, and the Hudson's Bay Company, which it is necessary to notice, and it is far from being the least important.

When the Hudson's Bay Company received the renewal of their Licence of exclusive Trade, in the year 1838, they entered into "a covenant for performance of conditions and reservations contained in the Crown grant." By this covenant, the Company bind themselves "to transmit to the consideration and approval of Her Majesty, such rules and

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regulations for the management and carrying on the said fur trade, and the conduct of the persons employed by us therein, as have appeared, or may appear to us, to be most effectual for gradually diminishing and ultimately preventing the sale or distribution of spirituous liquors to the Indians, and *for promoting their moral and religious improvement.*”

Turning to the Licence of exclusive Trade, we find that Her Majesty did thereby require that the Company “should make such regulations as might appear to Her Majesty to be effectual for diminishing or preventing the sale or distribution of spirituous liquors to the Indians, and *for promoting their moral and religious improvement.*” And referring to a still earlier period, we find the same language held in the Royal Licence of 1821, as well as in the Act of Parliament which empowered the Crown to grant such Licence.

The moral and religious improvement of the natives has been, during the whole period of the Hudson’s Bay Company’s exclusive power over the “Indian Territories,” a duty imposed upon them, by Act of Parliament and by the Crown.

The necessity of thus publicly insisting upon the performance of the first duty of a Christian, was not

wholly unnecessary, when the Hudson's Bay Company had been trading for nearly a century and a half among these savages, had been making enormous profits from their traffic, and yet had never introduced a single minister of religion into any one of their establishments, or made one solitary effort for the improvement of the natives, who were ministering so largely to their wealth.

The Company not only did not take any step to enlighten and instruct the natives, but they laid them under the inevitable doom of Paganism, as far as it was in their power to do so.

Nothing can be more melancholy or more humiliating than the account given of the conduct of the Hudson's Bay Company, by Mr. Robson, in his Narrative, in 1752, of a six years' residence in their territory. One story which he relates, is an awful record of the principles on which they dealt in those days with the natives.

“The instances of neglect and abuse of the natives are so gross, that they would scarcely gain credit, even among civilised barbarians, who never heard of the mild precepts of Christianity. Besides the facts already mentioned, the following one was well attested by the servants in the Bay, and was also produced in evidence before the Committee.—An Indian boy at Moose Factory, being taught to read and write, through the humanity and indulgence of a Governor there, wrote

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over to the Company for leave to come to England, in order that he might be baptized; but upon the receipt of this request, which any men who had the least sense of religion, and the least regard for the spiritual happiness of a fellow-creature, would with joy have complied with, an order was sent to the Governor to take the boy's books from him, and turn him out of the factory, with an express prohibition against any Indians being instructed for the future. This was the source of much affliction to the poor boy, who died soon after, with a penitence and devotion that would have done honour to his masters. But from whence can such preposterous and unnatural behaviour take its rise, unless from the apprehension that, if the natives were properly instructed and made converts to Christianity, they would all claim the privileges of British subjects, and apply to Britain to be supported in them? The Company, therefore, to prevent their suffering a remote evil as traders, have violated their indispensable duty as men and Christians—have even sacrificed their own servants to their fear, and lest the natives should be instructed and reformed, have hitherto neglected the sending over a clergyman to keep up a sense of religion at any of their factories. Why are the Exquimaux suffered to be driven from their native residence, and the shore of the Bay to be left desolate, but for the sake of discouraging all attempts to establish a fishery? Or, Why are animosities and divisions cherished among the upland Indians, but to keep the fur trade within a certain value, that none may be tempted to engage in it to the Company's disadvantage?" *

Mr. Semple, who was Governor of the Red River settlement, and lost his life in the savage struggle

* Robson, &c., p. 76.

between the rival Companies about the year 1816, thus writes :—

“ I have trodden the burnt ruins of houses, barns, a mill, a fort, and sharpened stockades ; but none of a place of worship, even upon the smallest scale. I blush to say that over the whole extent of the Hudson’s Bay territories, no such building exists. It is surely high time that this foul reproach should be done away from among men belonging to a Christian nation. I must confess that I am anxious to see the first little Christian church, and steeple of wood, slowly rising among the wilds ; and to hear the sound of the first Sabbath bell, which has tolled here since the creation.”*

It was not until the year 1820, just one hundred and fifty years after the date of the Charter, that the Company bethought themselves of sending out missionaries.

I again repeat, derelictions of duty in this respect must be exposed, because they have themselves obtruded their performances upon the notice of the public, and made their *missionary efforts* one of the grounds upon which they demand public sympathy and support.

It is necessary, therefore, to repeat that until compelled by their interests to do so, (for 1820 was the year when they were trying to obtain the first Licence of exclusive Trade,) this Company never

* Bishop of Montreal’s Journal. London. 1845. P. 191.

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for one moment dreamt, either of introducing Christianity amongst the Indians, or even of providing for the spiritual instruction of their own servants.

In 1820, however, it was their interest to profess religious zeal; and they invited the Church Missionary Society to send out two missionaries. These gentlemen were not, however, sent amongst the Indians, but were settled at the Red River colony: they received a small allowance from the Company, and were dignified by the name of the Company's Chaplains.

This allowance has, I believe, been for many years discontinued. The Hudson's Bay Company at this moment do not, as far as I can ascertain, pay one farthing towards the support of the Church Missionary establishment in their territories. They have, however, for the last few years paid a Chaplain of their own in the Red River colony—the only one minister of religion whom they maintain throughout the whole of their wide dominions.

This fact we learn from the Bishop of Montreal's Journal. His Lordship says:—

“I am as much convinced that it is the duty of the English Government to plant and perpetuate the Church, according to her full organization, and to provide standing institutions for training a local body of clergy, in the distant dominions of the empire, as that it is the

duty of a father to see to the religious interests of his family; and whatever may be the issue of the Oregon boundary question, there is a large accountability of this kind in the region for which I am pleading. THERE IS NOT ONE CLERGYMAN OF THE CHURCH OF ENGLAND ON THE FURTHER SIDE OF THE ROCKY MOUNTAINS. The Hudson's Bay Company did, at one time, maintain a Chaplain at Fort Vancouver: they have ceased to do so. Within their own proper territories they have ONE—namely, at the Red River; *so that in Hudson's Bay itself there is none.*”*

The next occasion on which a burst of missionary zeal seems to have occurred, was, remarkably enough, when the time was approaching at which the Licence of exclusive Trade must expire if not renewed. Again the chance of a public inquiry into what they had done, or were doing, rendered it advisable that there should be an appearance of missionary enterprise.

In 1836, Mr. Beaver was appointed Chaplain to the Company, at Fort Vancouver, on the Columbia River; but in 1838, after the Licence had been renewed, Mr. Beaver appears to have left—anything but pleased with the *facilities* afforded him: his post has not since been supplied up to the present time.

The same idea of trading upon a missionary character—as if the immortal souls of men were to

* Bishop of Montreal's Journal, p. 163.

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be bartered for fur skins—seems to have induced the Company, at the time of the renewal of their Licence of Trade, to apply to the Wesleyan Missionary Society for assistance: and in 1839, six missionaries proceeded to the country. We have lately been told, in the Company's defence, that "five missionaries, and one Indian assistant missionary, are now actually employed in this sacred service."* A very cursory inspection of the Wesleyan Reports is sufficient to shew that such a statement is untrue. The same inspection will also display the policy of the Company, which seems to be, to get rid of missionaries as soon as they are no longer of any use to prop up the monopoly of the fur trade. We find that in 1843, there were six Wesleyan missionaries in the whole of the Company's territories; from 1844 to 1846, there were *five*; in 1847, there were four; in 1848, three; and, one having since returned, there are, at this moment, but *two*, of whom one is an Indian assistant missionary; so that there is but one regular missionary in the whole of the Company's territory. Of these men, some were, it is said, hunted out by the agents of the Company, to whom their presence was not very agreeable.

* Mr. M. Martin's Hudson's Bay Company's Territories, &c. P. 122. See also, p. 136.

There are several items in the Returns of the Wesleyan Missionary affairs, which are not very intelligible. For example : at Lac la Pluie, it seems, Mr. Jacobs is stationed ; but he has *twelve scholars*, and *no congregation*. Mr. Randall, at the Rocky Mountains, appears to have been still less successful ; for the returns are,—*no scholars*, and *no congregation* ! whilst at Moose Factory, where there has been *no clergyman for two years*, there would seem to be *two chapels*, *five preaching places*, eighty-three regular members of the Wesleyan Connexion, one school, nineteen scholars, and two thousand attendants on public worship ! Certainly, if this be a true statement, and we have no reason to doubt it, it would appear that the absence of a minister has a very favourable effect upon the conversion of the natives : this may, perhaps, be the reason why the Company have been so anxious to get rid of the missionaries !

But Thomas Simpson suggests another and more significant reason. Writing to his brother Alexander, he says :—

“Three Wesleyan missionaries have come in this year from Lac la Pluie and the Saskatchewan, and furs have fallen fifteen to twenty per cent. in price. Ominous signs these ! saying plainly, ‘Make hay while the sun shines !’”*

* Life of T. Simpson, p. 201.

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What can be more forcible than this incidental passage in a letter written from the country, and never intended for the public eye? It speaks volumes.

But the Company not only get rid of missionaries as soon as they can do so without dangerous unpopularity, but they obstruct them in the performance of their duties whilst in the country.

To prove this fully to the English public, as it will one day be proved, would require an inspection of the documents in possession of the Missionary Societies; but when private letters from missionaries are quoted as evidence of the benevolent and Christian policy of the Company, the following may as well be added to the number. It has been lately received from the Rev. Mr. Barnley, one of the five missionaries who went out to the Hudson's Bay territories immediately after the renewal of the Licence of Trade, and of whom but one is now left in the country. Any comment upon it would be superfluous.

“ My residence in the Hudson's Bay territory commenced in June 1840, and continued, with the interruption of about eight months, until September 1847. My letter of introduction, signed by the Governor of the territory, and addressed ‘To the Gentlemen in charge of the Honourable Hudson's Bay Company's Districts and Posts in North America,’ in one of its paragraphs, ran thus — ‘The Governor and Committee feel the most

lively interest in the success of Mr. Barnley's mission, and I have to request you will show to that gentleman every personal kindness and attention in your power, and facilitate by every means the promotion of the very important and interesting service on which he is about to enter;—and, consequently, whatsoever else I might have to endure, I had no reason to anticipate anything but cordial co-operation from the officers of the Company.

“*For the first three years* I had no cause of complaint. The interpretation was in many cases necessarily inefficient, and would have been sometimes a total failure, but for the kindness of the wives of gentlemen in charge, who officiated for me; but I had the best interpreters the various posts afforded: the supply of rum to Indians was restricted; and the Company, I believe, fulfilled both the spirit and the letter of their agreement with us, as far as that fulfilment was then required of them, and their circumstances allowed.

“In giving, however, this favourable testimony, so far as the first three years are concerned, I must say, that in my opinion, we should have been informed, before commencing our labours, that the interpreters at some of the posts would be found so inefficient as to leave us dependent on the kindness of private individuals, and reduce us to the very unpleasant necessity of taking mothers from their family duties, that they might become the only available medium for the communication of Divine truth.

“But, after the period to which I have referred, a very perceptible change took place: there was no longer that hearty concurrence with my views, and co-operation, which had at first appeared so generally. The effect was as if the gentleman in charge of the Southern Department had discovered that he was expected to afford rather an external and professed assist-

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ance, than a real and cordial one; and, under his influence, others, both of the gentlemen and servants, became cool and reluctant in those services of which I stood in need, until, at length, the letter, as well as the spirit, of the Company's engagement with me, failed.

"I was prohibited from entertaining to tea two persons, members of my congregation, who were about to sail for England, because I happened to occupy apartments in the officer's residence, and told that it 'could not be made a rendezvous for the Company's servants and their families.' A plan which I had devised for educating and training to some acquaintance with agriculture, native children, was disallowed, but permission given me by the Governor in Council, to collect seven or eight boys from various parts of the surrounding country, to be clothed, and at the Company's expense. A proposal made for forming a small Indian village, near Moose Factory, was not acceded to; and, instead, permission only given to attempt the location of one or two old men who were no longer fit for engaging in the chase, it being very carefully and distinctly stated by Sir George Simpson, that the Company would not give them even a spade towards commencing their new mode of life. When, at length, a young man was found likely to prove serviceable as an interpreter, every impediment was interposed to prevent his engaging in my service, although a distinct understanding existed, that neither for food, nor wages, would he be chargeable to the Company. And the pledge that I should be at liberty to train up several boys for future usefulness, though not withdrawn, was treated as if it had never existed at all; efforts being made to produce the impression on the mind of my General Superintendent, that I was, most unwarrantably, expecting the Company to depart from their original compact, when I attempted to add but two of the stipulated number to my household. * * * * *

“ At Moose Factory, where the resources were most ample, and where was the seat of authority in the Southern Department of Rupert’s Land, the hostility of the Company (and not merely their inability to aid me, whether with convenience or inconvenience to themselves) was most manifest.

“ The Indians were compelled, in opposition to their convictions and desires, to labour on the Lord’s day.

“ They were not permitted to purchase the food required on the Sabbath, that they might rest on that day while voyaging, although there was no necessity for their proceeding, and their wages would have remained the same. * * * * *

“ At length, disappointed, persecuted, myself and wife broken in spirit, and almost ruined in constitution, by months of anxiety and suffering, a return to England became the only means of escaping a premature grave ; and we are happy in fleeing from the iron hand of oppression, and bidding farewell to that which had proved to us a land of darkness and of sorrow.

“ From the above statements, you will perceive that if true in some cases, it is not in all, that the Company have furnished ‘ the means of conveyance from place to place.’ They have not done so, at all events, in the particular case mentioned. Nor would they let me have the canoe, lying idle as it was, when they knew that I was prepared to meet ‘ the expense.’

“ And equally far from the truth is it, that the missionaries have been ‘ boarded, lodged, provided with interpreters, and servants, free of charge.’ We cannot be provided with that which is not in existence ; and at many of the posts there are not even nominal interpreters. But such as there were, have, as I have shewn, been refused, at Moose Factory especially. * * *

“ Such then is a very brief statement, which, having entered on the subject, I have felt myself called upon to furnish ; and, lest it might be thought that having

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left the territory under circumstances of so unpleasant a character, I speak under the influence of prejudice, I do not think that I shall be betraying confidence, if I append two or three brief extracts from the letter of a missionary still in the territory, and who has not, that I am aware of, had any controversy with the officers of the Company, and who bears up patiently, under a painful state of things, hoping for their amendment.

“ ‘When at York Factory last fall, (1848,) a young gentleman boasted that he had succeeded in starting the Christian Indians of Ross-ville off with the boats on a *Sunday*. Thus every effort we make for their moral and spiritual improvement, is frustrated, and those who were, and still are, desirous of becoming Christians, are kept away.’

“ ‘He speaks of the Pagan Indians desiring to become Christians, but, being *made drunk* on their arrival at the Fort, ‘their good desires vanished.’

“ ‘The Indians professing Christianity, had actually exchanged one keg of rum for tea and sugar, at one post, but successive offers of liquor betrayed them into intoxication at another.

“ ‘And his sentiments find expression subsequently thus : — ‘It is very probable that at no distant period God will graciously bring about a change, for the land moans because of oppression : for this let our prayers constantly ascend to heaven, that His way may be known upon earth, His saving health among all nations !’

“ *Torquay, January 8, 1849.*”

Mr. Beaver, the Company’s Chaplain for two years at the Columbia River, gives evidence to the same effect. In his letter to the Committee of the Aborigines Protection Society, before quoted, he writes thus :—

“From time to time I reported to the Governor and Committee of the Company in England, and to the Governor and Council of the Company abroad, the result of my observations, with a view to a gradual amelioration of the wretched degradation with which I was surrounded, by an immediate attempt at the introduction of civilization and Christianity among one or more of the aboriginal tribes; but my earnest representations were neither attended to nor acted upon: no means were placed at my disposal for carrying out the plans which I suggested.”*

Mr. Ballantyne acknowledges and laments the miserable deficiency of the Company in providing for the spiritual instruction of those under its rule.

“The almost total absence of religion of any kind among these unhappy natives is truly melancholy. The very name of our blessed Saviour is almost unknown by the hundreds of Indians who inhabit the vast forests of North America. It is strange that whilst so many missionaries have been sent to the southern parts of the earth, so few should have been sent to the northward. There are not, I believe, more than a dozen or so of Protestant Clergymen over the whole wide northern continent; and alas, even many of that small number are slothful inefficient men, and one or two are absolutely unworthy of their high and responsible situation.

“For at least a century these North American Indians have hunted for the white men, and poured annually into Britain a copious stream of wealth. Surely it is the duty of Christian Britain in return to send out faithful servants of God to preach the Gospel of our Lord throughout their land.”†

* Tracts relative to the Aborigines. Tract 8, p. 16.

† Ballantyne's Hudson's Bay. Second Edition. P. 318.

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Vol. i., p.

Christian Britain did not, in this instance at any rate, altogether neglect her duty. This country did impose on the Corporation to which it committed the government of these regions the duty of spreading the Christian faith; and they now ask that Corporation to render an account of its stewardship.

Let no man say that the ministers of religion are not wanted in these countries, and that there is no field for their exertions—no possibility of extending the Church of God.

The Governor of the Hudson's Bay Company said, in his evidence before the Aborigines Committee of the House of Commons, in answer to the question—

“Have you found a disposition on the part of the natives to receive moral and religious instruction?”

“A. Very great! We sent the Rev. Mr. Beaver last year across the Rocky Mountains to the Columbia district. There were a couple of young lads sent from the Columbia district, to whom the names of Pelly and Garry* were given; these lads were revered by the natives when they returned, for the religious instructions

* Sir J. Pelly's information would seem to be as incorrect as his lamentation is ill-timed, if we are to credit Sir G. Simpson, who found the boy, Spokan Garry, in the year 1841, “with his superior knowledge,” “the master spirit, if not the prime mover,” of “a hell in the wilderness,” where the unfortunate natives were gambling over a pack of cards; and who is described as having relapsed into his original barbarism.—*Sir G. Simpson's Voyage round the World*. Vol. i., p. 144.

they were enabled to give: both of them are, unfortunately, since dead."

There is abundance of evidence to the same effect: there is no want of capacity on the part of the Indian—but there is the most awful callousness on the part of his master and owner, as to what becomes of him either in this world or the next. It is in the white man alone that the barrier exists to his conversion and civilization.

"It is an observation," says Mr. Beaver, in the letter before quoted, "never more truly exemplified than at the Company's settlements, that whenever the Gospel has been carried among heathen nations, there, simultaneously, has vice, before unknown, been imported; and that the lives of the professors of Christianity are the most fatal hindrances to its being embraced by even the most uncultivated savages. The Indians with whom I conversed were, for the most part, intelligent and argumentative, and drew conclusions, not from what they heard, but from what they saw; and assuredly they saw no recommendation of religion in the example of the generality of the Company's servants, with whom its precepts seemed to be in almost total abeyance.

"One great cause of the immorality at the place where I was stationed, and a consequent barrier to the improvement and conversion of the Indians, was the holding of some of them in a state of slavery, by persons of all classes in the Company's service, and by those who have retired from it, and become settlers on the Wallamatte and Cowlitze Rivers, but over whom the Company retain authority.

"The women themselves, who were living with the lower class of the Company's servants, were much in

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the condition of SLAVES, being purchased of their Indian proprietors or relations, and not unfrequently re-sold amongst each other by their purchasers."*

And Sir John Richardson's opinion seems to differ but little from Mr. Beaver's. He says,—

"It might be thought that the Crees have benefited by their long intercourse with civilized nations. They are capable of being, and, I believe, are willing to be, taught, but no pains have hitherto been taken to inform their minds, and their white acquaintances seem in general to find it easier to descend to the Indian customs and modes of thinking, particularly with respect to women, than to attempt to raise the Indians to theirs. Indeed, such a lamentable want of morality has been displayed by the white traders, in their contests for the interests of their respective companies, that it would require a long series of good conduct to efface from the minds of the native population the ideas they have formed of the white character."†

"The Metifs, or, as the Canadians term them, Bois Brulès, are, upon the whole, a good-looking people, and where the experiment has been made, have shewn much aptness in learning, and willingness to be taught: they have, however, been sadly neglected. The example of their fathers has released them from the restraint imposed by the Indian opinion of good and bad behaviour, and, generally speaking, no means have been taken to fill the void with better principles. * * * It is, however, but justice to remark, that there is a decided difference in the conduct of the children of the Orkneymen employed by the Hudson's Bay Company, and those of the Canadian voyageurs. Some trouble is occasionally bestowed in teaching the former, and it is not thrown

* Tracts relative to the Aborigines. Tract 8, p. 18.

† Captain Franklin's Journal. Vol. i., p. 128.

away, but all the good that can be said of the latter is, that they are not quite so licentious as their fathers are." *

"Another practice may also be noticed, as shewing the state of moral feeling on these subjects amongst white residents of the fur countries. It was not very uncommon amongst the Canadian voyageurs, for one woman to be common to, and maintained at, the joint expense of two men; nor for a voyageur to sell his wife, either for a season, or altogether, for a sum of money proportioned to her beauty and good qualities, but always inferior to the price of a team of dogs." †

These are the results of locking up a continent in the hands of a close and irresponsible Corporation. One argument for doing so, was a tender regard for the native population; and we awake as from a dream, and find the object of our sympathy sinking under a weight of misery to which he was a stranger until he came in contact with the blessings of civilization! Let the mind fully realize the depth of wretchedness to which these wandering tribes are doomed; let it connect the aged hunter's lingering torments of starvation, with a system by which the luxury of warmth is procured for a wealthy and powerful nation,—and I know not if it be not rather with a feeling of pleasure that we hail the prospect of the utter depopulation of a continent, as the only limit to our responsibility or our crime.

* Id. Vol. i., p. 167.

† Id. Vol. i., p. 169.

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CHAPTER VIII.

OF THE RESULTS OF THE HUDSON'S BAY COMPANY'S CHARTER IN RESPECT TO ITS EFFECTS UPON THE COLONISTS WHO ARE SUBJECTED TO ITS INFLUENCE.

IN pursuance of the plan laid down, the next subject which must occupy our attention, is the mode in which the powers claimed under the Charter have worked, as regards the Colonists who are living under its influence.

No part of the whole subject can be more important than this, because from it we may gather what are likely to be the results of a policy which contemplates making the Hudson's Bay Company the agent of colonization throughout the greatest part of our possessions in North America. A short account has been given before, at page 54, of the events connected with the foundation of the Red River settlement.

It is now a matter of public notoriety, that the inhabitants of that settlement have expressed their dissatisfaction at the government to which they are

subject, and have appealed from the power of the Company to that of the Crown.

It is not within the limits or the intention of this work, to detail the whole transaction of that appeal ; but it may be of use to state some few facts, with the object of shewing, as briefly as possible, how the government of the Company has worked already, and therefore how it may be expected to work in future, should any new colony be subjected to its rule.

The principal part of the population of the Red River is composed of half-breeds, the children, or descendants, of native women, by the servants and officers of the Company.

It appears, at least this is the statement made on behalf of these half-breeds, that a few years ago the Americans began to put a stop to the buffalo hunting which was carried on, by the settlers at the Red River, in the plains south of the boundary line ; and no one was to be permitted to hunt within the American frontier, except citizens of the United States. Hence the occupation and means of subsistence of a considerable number of the half-breeds and Indians of the settlement were much curtailed.

In consequence of this new state of affairs, new

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modes of industry were contemplated, in order to obtain subsistence : the first idea was to commence an export trade in tallow to England. Mr. James Sinclair, it appears, was the first person who engaged in this speculation. He sent a small quantity of tallow to London, in one of the Company's vessels. The adventure succeeded : in the following year, therefore, he sent a much larger quantity to York Factory, for the purpose of exportation to England. For some reason or other, the Company's officers at York Factory refused to take Mr. Sinclair's tallow on board ; it remained for nearly two years at the factory, at the end of which time, Mr. Sinclair was obliged to sell it to the Company at prime cost.

In consequence of the prospects which were opened by Mr. Sinclair's first speculation, and before the subsequent refusal of the Company's officers to take his tallow, a second time, to England, a letter, signed by about twenty of the principal half-breeds of the settlement, was addressed to the Governor and Committee in London.

The following is a copy :—

“ Red River Settlement,

“ HONOURED SIRS,

“ December 30, 1843.

“ Presuming on the liberal manner in which your Honours met Mr. James Sinclair's views of export-

ing tallow on his own account to England, in your ships, at the moderate freight of 40 francs per ton, We, the undersigned, have determined to turn our attention to collecting a quantity of the article sufficient to become a matter of some consideration in the London market, as well as a source of profit and employment to a large portion of the population at the settlement, who are incapable of directing themselves to agricultural occupations, and whose orderly conduct and attachment to the Honourable Company so materially depends on a market being afforded for the proceeds of the chase.

“After giving the subject a careful consideration, we are of opinion that, if your Honours would favour us so far as to lower the very high freight charged at present on the goods we import from London, we can send a considerable quantity of tallow to England, with a small profit to ourselves and considerable benefit to the general prosperity of the settlement. It would be presumptuous in us to pretend to a knowledge of the extraordinary expense of fitting out a ship for Hudson’s Bay, but £8 per ton is so much more than the freight exacted on goods sent to far more distant parts of the world, as to induce us to indulge a hope that your Honours will take our case into your favourable consideration.

“*To the Governor,
Deputy Governor, and Committee,
of the Honourable Hudson’s Bay Company.*”

To this letter, it appears, no answer was returned.

If the above be facts, there cannot be anything more contrary to the truth, than the statement made by Mr. T. Simpson, and quoted at page 19 in

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Mr. M. Martin's book, that, "the Hudson's Bay Company have long endeavoured, by rewards and arguments, to excite an exportation of *tallow*, hides, wool, &c., to England; but the long and dangerous navigation to Hudson Bay, and the habits of the half-bred race, who form the mass of the people, and generally prefer chasing the buffalo to agriculture or regular industry, have rendered their efforts ineffectual."

This opinion of Mr. T. Simpson, indeed, in a measure, contradicts itself: one does not see how the love of chasing the buffalo, by which the tallow was to be obtained, can be given as a reason why no tallow should be exported.

And that the length or difficulty of the voyage to Hudson's Bay need form no obstacle to such a trade, is manifest from Sir J. H. Pelly's own letter to Lord Glenelg, (Parliamentary paper, May 8, 1842, No. 547,) in which the advantages to be gained from such an export trade are strongly dwelt upon.

The settlers, on the other hand, complain, that every endeavour which they have made to better their condition, by opening a traffic with England, has been frustrated by the tyrannical regulations of the Company,—by the enormous freights demanded,—and by the jealousy with which the advancement

and prosperity of the native population has ever been regarded.

Another fact must here be noticed, which had some influence in increasing the discontent of the settlers.

The Company had begun, before this time, to employ some of the leading half-breeds as middlemen in the fur trade; paying the middleman in money or commerce, and receiving furs in exchange, whilst the middleman undertook the trouble of procuring the furs from the natives, of course with some advantage to himself.

The half-breeds, by these means, became practically acquainted with the enormous profits which were being realized upon the actual capital employed; and thus a strong temptation was afforded them, to engage in the fur trade on their own account, and as they could not export furs to England, to send them into the American territory.

The question was raised at once in the minds of the half-breeds and natives, how far the privileges of the Company could restrain the native inhabitants of the soil, or their descendants, from obtaining the furs, the natural produce of the country of their forefathers, and disposing of them in any manner they chose.

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It would appear that the government of the settlement had been such, up to this time, that there was no very strong inclination on the part of the inhabitants to consult the interests, or yield to the wishes, of the Company : and so, in a short time, a traffic, illicit as the Company assert, began between some few of the half-breeds of the Red River and the Americans.

But the settlers themselves do not appear to have considered this traffic illegal. They did not want to smuggle the furs out of the country ; on the contrary, they openly asserted their rights. They said that no Charter could deprive them of that which was their birthrights—the right to hunt the wild animals on the lands on which their fathers hunted before them, or to purchase them when hunted by their Indian friends or relatives : and, having obtained the furs, they asserted that nothing but injustice and violence could compel them to dispose of the labour of their hands, or of the results of skill and risk in barter, to one Company alone, and at whatever price that Company chose to offer.

They do not seem to have urged the fact that they were British subjects, and, as such, to have appealed against a gross violation of British law by

the enforcement of a monopoly ; but they stood upon their claims as the descendants of the native Indian, and denied that any right, but that of might, could deprive them of their hereditary property in the wild animals of their ancient forests and prairies.

They, therefore, addressed the following letter to the Governor of Assimboin ; and it must be admitted that the difficulties started by some of their queries, are such as cannot be disposed of at once, or pooh-poohed as irrational and absurd.

“ *Red River Settlement,*

“ *August 29, 1845.*

“ SIR,

“ Having at this moment a very strong belief that we, as natives of this country, and as half-breeds, have the right to hunt furs in the Hudson’s Bay Company’s territories, whenever we think proper, and again sell those furs to the highest bidder ; likewise having no doubt that natives of this country can be prevented from trading and trafficking with one another ; we would wish to have your opinion on the subject, lest we should commit ourselves by doing anything in opposition either to the laws of England or the Honourable Company’s privileges, and therefore lay before you, as Governor of Red River settlement, a few queries, which we beg you will answer in course.

“ *Query 1.* Has a half-breed, a settler, the right to hunt furs in this country ?

“ 2. Has a native of this country (not an Indian) a right to hunt furs ?

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“ 3. If a half-breed has the right to hunt furs, can he hire other half-breeds for the purpose of hunting furs?

“ 4. Can a half-breed sell his furs to any person he pleases?

“ 5. Is a half-breed obliged to sell his furs to the Hudson's Bay Company at whatever price the Company may think proper to give him?

“ 6. Can a half-breed receive any furs, as a present, from an Indian, a relative of his?

“ 7. Can a half-breed hire any of his Indian relatives to hunt furs for him?

“ 8. Can a half-breed trade furs from another half-breed, in, or out of, the settlement?

“ 9. Can a half-breed trade furs from an Indian, in, or out of, the settlement?

“ 10. With regard to trading, or hunting furs, have the half-breeds, or natives of European origin, any rights or privileges over Europeans?

“ 11. A settler, having purchased lands from Lord Selkirk, or even from the Hudson's Bay Company, without any conditions attached to them, or without having signed any bond, deed, or instrument whatever, whereby he might have willed away his right to trade furs, can he be prevented from trading furs in the settlement with settlers, or even out of the settlement?

“ 12. Are the limits of the settlement defined by the Municipal Law, Selkirk Grant, or Indian Sale?

“ 13. If a person cannot trade furs, either in, or out of, the settlement, can he purchase them for his own and family use, and in what quantity?

“ 14. Having never seen any official statements, nor known, but by report, that the Hudson's Bay Company has peculiar privileges over British subjects, natives, and half-breeds, resident in the settlement, we would wish

to know what those privileges are, and the penalties attached to the infringement of the same.

“ We remain, your humble Servants,

“ JAMES SINCLAIR.	WILLIAM BIRD.
BAPTIST LA ROQUE.	PETER GARIOCH.
THOMAS LOGAN.	HENRY COOK.
JOHN DEASE.	JOHN SPENCE.
ALEXIS GAULAT.	JOHN ANDERSON.
LOUIS LETENDE DE	THOMAS M'DERMOT.
BATOCHÉ.	ADALL TROTTIER.
WILLIAM M'MILLAN.	CHARLES HOLE.
ANTOINE MORRAN.	JOSEPH MONKMAN.
BAT. WILKIE.	BAPTIST FARMAN.
JOHN VINCENT.	

“ *Alexander Christie, Esq.,*
Governor of Red River Settlement.”

To this letter, Mr. Christie returned the following answer :—

“ GENTLEMEN, “ *Fort Garry,*
 “ *September 5, 1845.*

“ I received your letter of the 29th ultimo, on the evening of the 3rd instant, and I am sure that the solemn and important proceedings in which I was yesterday engaged, will form a sufficient apology for my having allowed a day to pass without noticing your communication.

“ However unusual it may be for the Rulers of any country to answer legal inquiries in any other way than through the judicial tribunals which can alone authoritatively decide any point of law, I shall, on this particular occasion, overlook all those considerations which might otherwise prompt me to decline, with all due

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courtesy, the discussion of your letter ; and I am the rather induced to adopt this course by your avowal, for which I am bound to give you full credit, that you are actuated by an unwillingness to do anything in opposition either to the laws of England, or to the Hudson's Bay Company's privileges.

" Your first nine queries, as well as the body of your letter, are grounded on the supposition, that the half-breeds possess certain privileges over their fellow-citizens, who have not been born in the country. Now, as British subjects, the half-breeds have clearly the same rights in Scotland or in England as any person born in Great Britain, and your own sense of justice will at once see how unreasonable it would be to place Englishmen and Scotchmen on a less favourable footing in Rupert's Land than yourselves. Your supposition further seems to draw a distinction between half-breeds and persons born in the country of European parentage, and to men of your intelligence I need not say that this distinction is still more unreasonable than the other.

" Your tenth query is fully answered in these observations on your first nine queries.

" Your eleventh query assumes that any purchaser of lands would have the right to trade furs if he had not 'willed' it away by assenting to any restrictive condition. Such an assumption, of course, is admissible of itself, and inconsistent even with your own general views ; the conditions of tenure, which, by the bye, have always been well understood to prohibit any infraction of the Company's privileges, are intended not to bind the individual who is already bound by the fundamental law of the country, but merely to secure his lands as a special guarantee for the due discharge of such, his essential obligation.

" After what has just been said, your twelfth query becomes wholly unimportant.

“Your fourteenth query, which comprises your thirteenth, and, in fact, also all the queries that you either have, or could have, proposed, requests me to enumerate the peculiar privileges of the Hudson’s Bay Company, on the alleged ground that you know them only through report. Considering that you have the means of seeing the Charter and the Land Deed, and such enactments of the Council of Rupert’s Land as concern yourselves and your fellow-citizens,—and considering further, that, in point of fact, some of you have seen them, I cannot admit that you require information to the extent which you profess; and even if you did require it, I do not think that I could offer you anything more clear than the documents themselves are, on which my enumerations of the Company’s rights must be based. If, however, any individual among you, or among your fellow-citizens, should at any time feel himself embarrassed in any honest pursuit, by legal doubts, I shall have much pleasure in affording him a personal interview.

“I am, Gentlemen,

“Your most obedient Servant,

(Signed) “ALEXANDER CHRISTIE,
“Governor of Assimboia.”

“Messrs. James Sinclair, Bt. La Roque,
Thomas Logan, and others.”

We may mention here, in passing, that “the solemn and important proceedings” in which the Government had been engaged the day before, consisted of “*hanging an Indian.*” Of the legality of this proceeding, it will be necessary to make some observations presently.

The Company, however, did not remain satisfied

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with this placid and amiable reply to the questions of the memorialists; nor did they argue the matter theoretically with their subjects. Strong measures were at once adopted to put an end to the free trade in furs which was springing up, and the practice of employing middlemen was discontinued, as having tended to produce it.

The following are extracted from the Minutes of the Council of Rupert's Land, passed at their Annual Meeting, at the Red River, in 1845.

Extract from Minutes of a Meeting of the Governor and Council of Rupert's Land, held at the Red River Settlement, June 10, 1845.

“Resolved—1st. That, once in every year, any British subject, if an actual resident and not a fur trafficker, may import, whether from London or from St Peter's, stores free of any duty now about to be imposed, on declaring truly, that he has imported them at his own risk.

“2ndly. That, once in every year, any British subject, if qualified as before, may exempt from duty as before, imports of the local value of ten pounds, on declaring truly, that they are intended exclusively to be used by himself within Red River settlement, and have been purchased with certain specified productions or manufactures of the aforesaid settlement, exported in the same season, or by the latest vessel, at his own risk.

“3rdly. That, once in every year, any British subject, if qualified as before, who may have personally accompanied both his exports and imports, as defined in the preceding Resolution, may exempt from duty as before,

imports of the local value of £50, on declaring truly, that they are either to be consumed by himself, or to be sold by himself to actual consumers within the aforesaid settlement, and have been purchased with certain specified productions or manufactures of the settlement, carried away by himself in the same season, or by the latest vessel, at his own risk.

“4thly. That all other imports from the United Kingdom for the aforesaid settlement, shall, before delivery, pay at York Factory a duty of 20 *per cent.* on their prime cost: provided, however, that the Governor of the settlement be hereby authorised to exempt from the same, all such importers as may from year to year be reasonably believed by him to have neither trafficked in furs themselves since the 8th day of December, 1844, nor enabled others to do so, by illegally or improperly supplying them with trading articles of any description.

“5thly. That all other imports from any part of the United States, shall pay all duties payable under the provisions of 5 & 6 Vict., cap. 49, the Imperial Statute for regulating the foreign trade of the British possessions in North America: provided, however, that the Governor-in-Chief, or, in his absence, the President of the Council, may so modify the machinery of the said Act of Parliament, as to adapt the same to the circumstances of the country.

“7thly. That henceforward, no goods shall be delivered at York Factory, to any but persons duly licensed to freight the same; such licenses being given only in those cases in which no fur trafficker may have any interest, direct or indirect.

“8thly. That any intoxicating drink, if found in a fur trafficker's possession, beyond the limits of the aforesaid settlement, may be seized and destroyed by any person on the spot.

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“ 9thly. That, henceforward, furs shall be purchased
from none but the actual hunters of the same.”

“ *Fort Garry, July 10, 1845.*”

Copy of Licence referred to in Resolution 7.

“ On behalf of the Hudson’s Bay Company, I hereby
license A. B. to trade, and also ratify his having traded,
in English goods, within the limits of Red River settle-
ment. This ratification and this Licence to be null and
void, from the beginning, in the event of his hereafter
trafficking in furs, or generally of his usurping any
whatever of all the privileges of the Hudson’s Bay
Company.”

To comment upon every article in these Minutes
as they deserve, would occupy a longer time than
can be here afforded. It is quite impossible for any
one to believe that a colony can flourish under such
a system of interference with trade. Trade is
absolutely forbidden, except once a year, and to
licensed persons ; and all privilege to trade is denied
to persons who interfere with the Company’s claim
of exclusive traffic in furs.

But the Company do not appear to have trusted
to paper deeds to enforce their authority.

They were not even content with inflicting fines,
under the form of a hostile tariff ; but as the half-
breeds say, some of the fur traders were imprisoned,
and all the goods and articles of exchange belonging

to those who were suspected of an intention to traffic in furs, were seized and confiscated.

But another, and even more serious attack was made on the privileges of the settlers.

The Company being, under their Charter, nominal owners of the soil, dispose of it to the colonists in any manner they think best. A portion of the land in the colony is held from Lord Selkirk, who first founded the settlement.

Now, however, the Company drew up a new *Land Deed*, which all were compelled to sign who wished to hold any land in the settlement.

The following is a copy of this document:—

“ This Indenture, made the day of , in the year of our Lord One Thousand Eight Hundred and Forty , between the Governor and Company of Adventurers of England, trading into Hudson’s Bay, of the one part, and of the other part.

“ Whereas the said is desirous of becoming a settler upon the land hereinafter described, or intended so to be, being certain part of a territory in North America, belonging to the said Governor and Company, and held under the Crown by Charter: Now, therefore, this Indenture witnesseth, that in consideration of , and in consideration also of the covenants hereinafter contained on the part of the said , they, the said Governor and Company, do hereby grant, demise, and lease unto the said ,

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his executors, administrators, and assigns, all that piece or parcel of land, being _____ of Lot No. _____, as described at large in the Official Survey of Red River settlement, and containing, more or less, _____ English acres, with the necessary appurtenances thereto: to have and to hold the said piece or parcel of land hereby demised, or intended so to be, and every part thereof, with the appurtenances unto the said _____, his executors, administrators, and assigns, from the day next before the day of the date of these presents, and for and during and unto the full term of one thousand years, thence next ensuing; yielding and paying therefor, yearly and every year, during the said term, and upon the Michaelmas Day in each year, the rent or sum of one peppercorn, the first payment whereof to be made upon the twenty-ninth day of September next ensuing the date hereof. And the said _____, for himself, his heirs, executors, and administrators, doth hereby covenant and agree with the said Governor and Company, in manner following; that is to say: that he the said _____ shall or will, within forty days from the date hereof, settle and establish himself or themselves, and continue to reside upon the said hereby demised land, and shall or will, within five years from the date of these presents, bring, or cause or procure to be brought into a state of cultivation, one tenth part of the said hereby demised land, and thenceforth continue the same in such state. And that, during the said term, he the said _____, his executors, administrators, and assigns, shall not, directly or indirectly, mediately or immediately, violate or evade any of the chartered or licensed privileges of the said Governor and Company, or any restrictions on trading or dealing with Indians or others, which have been or may be imposed by the said Governor and Company, or by any

other competent authority, or in any way enable any person or persons to violate or evade, or to persevere in violating or evading the same, and in short shall obey all such laws and regulations as within the said settlement now are, or hereafter may be, in force, for preventing the distillation of spirits, for preserving internal peace, for repelling foreign aggression, for making and repairing roads and bridges, and for encouraging and promoting general education and religious instruction. And that he the said _____, his executors, administrators, or assigns, shall or will, from time to time, and at all times during the said term, contribute in a due proportion to the expenses of all public establishments, whether of an ecclesiastical, civil, military, or other nature, including therein the maintenance of the clergy, the building and endowment of schools, which are, or shall or may be formed under the authority of the Charter or Charters hereinbefore referred to. And also that he or they, at proper seasons in every year, and in or towards the making and repairing of such roads highways as lie within _____ miles from the said hereby demised premises, shall and will employ himself or themselves, and his or their servants, horses, cattle, carts, and carriages, and other necessary things for that purpose, where and when required so to do by the surveyor or overseer for the time being, appointed for the making and amending public roads, bridges, and highways, within such limits as aforesaid; such requisition, nevertheless, in point of time, not to exceed six days in each year, computed day by day, and from Michaelmas to Michaelmas.

“And also, that he the said _____, his executors, administrators, and assigns shall not, nor will, without the licence or consent of the said Governor and Company for that purpose first obtained, carry on or establish, or attempt to carry on or establish, in any part of North America, any trade or

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traffic in or relating to any kind of skins, furs, peltry, or dressed leather, nor in any manner, directly or indirectly, aid or abet any person or persons in carrying on such trade or traffic; nor shall nor will, at any time or times during the said term, distil, or cause or procure to be distilled, spirituous liquors of any nature or kind soever, either upon the land hereby demised, or within any other part of the territories belonging to the said Governor and Company in North America; nor during the said term, knowingly suffer or permit any other person or persons whomsoever, to distil any such liquors upon the said demised land or any part thereof.

“And the said _____, for himself, his heirs, executors, and administrators, doth hereby further covenant with the said Governor and Company, and their successors, that he the said

_____ his executors, administrators, and assigns, will use his and their best endeavours to maintain the defence and internal peace of the territories of the said Governor and Company in North America, and shall and will be chargeable therewith according to such laws and regulations as are now in force in respect of the same territories, or as shall from time to time be made by competent authority; and also that he the said _____, his executors, administrators, or assigns, shall not nor will, at any time or times during the said term, or by any direct or indirect, mediate or immediate, manner, ways, or means, infringe or violate, or set about or attempt to infringe or violate, or aid, assist, or abet, or set about or attempt to aid, assist, or abet, or supply with spirituous liquors, trading goods, provisions, or other necessaries, any person or persons whomsoever, corporate or incorporate, or any Prince, Power, Potentate, or State whatsoever, who shall infringe or violate, or who shall set about or attempt to infringe or violate, the exclusive rights, powers, privileges, and immunities, of commerce,

trade, and traffic, or all or any other of the exclusive rights, powers, privileges, and immunities, of or belonging or in any wise appertaining to, or held, used, or enjoyed by the said Governor and Company, and their successors under their Charter or Charters, without the licence or consent of the said Governor and Company, and their successors for the time being, first had and obtained. And lastly, that he the said

, his executors, administrators, or assigns, shall not, nor will, at any time during the said term, underlet, or assign, or otherwise alienate, or dispose, or part with, the actual possession of the said land hereby demised, or any part thereof, for all or any part of the said term, or any interest derived under the same, without the consent in writing of the said Governor and Company for the time being first had and obtained. And also, that he the said

, his executors, administrators, or assigns, shall or will, within six calendar months from the date hereof, as to these presents, and within six calendar months, from the date of each respective assignment or under-lease to be made under or through these presents; and with respect to each such assignment and under-lease respectively, cause these presents and every such assignment or under-lease, when made, to be registered in the Register of the said territories in North America, or of the district in which the said hereby demised land shall be situate, and wherever such Register shall be kept at the time: provided always, nevertheless, and it is hereby declared and agreed, that if the said

, his executors, administrators, or assigns, shall not in all things well and truly observe and perform all and every the covenants and agreements herein contained, on his and their behalf to be observed and performed, then, and in either of such cases, and either upon or after the first breach, or any subsequent breach or breaches of covenant, and as to any subsequent breach or breaches,

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notwithstanding there may have been any waiver or waivers, or supposed waiver or waivers thereof, by the acceptance of rent or otherwise, it shall or may be lawful to and for the said Governor and Company, and their successors or assigns, to enter into and upon the said hereby demised premises, or any part thereof, in the name of the whole thereof, and to have, hold, retain, and enjoy the same as in their former state; and also to put an end to, and determine, the said term of one thousand years, or so much thereof as shall be then unexpired; and all and every person or persons then occupying the same premises, or claiming title thereto, to put out and remove, anything hereinbefore contained to the contrary notwithstanding. In witness whereof, the said parties to these presents have hereunto set their hands and seals, the day and year first above written, at Red River settlement aforesaid.

“Signed, sealed, and delivered, in the presence of

The manifest intention which this Deed exhibits, is, not to facilitate the conveyance of land to settlers—not to encourage persons to settle, but, in the event of settlement, to secure the Company's privileges intact. There never was a document more manifestly framed to secure the interests of the vendor, and not of the purchasers of the soil. The settler binds himself to cultivate a certain quantity within a certain time—a most unnecessary provision, one would imagine, seeing that he has already paid 12s. 6d. (not 7s. 6d., as Mr. Martin states) for the land; as if a man would pay what in that country

is a very high price for land, two and a half times as much as he would have to pay for as good land on the same river, fifty miles farther south in the American territory,—as if, I say, a man would give such a price for land, unless to cultivate it in the manner most conducive to his own interest.

Next, the tenant binds himself, under pain of forfeiture of his whole estate, that he will not, by any direct or indirect, mediate or immediate, manner, ways, or means, infringe or violate the exclusive rights, power, privileges, and immunities, powers of commerce, &c., or all or any of the exclusive rights, &c., of or belonging, or in any wise appertaining to, *or held, used or enjoyed (that is to say, whether it belongs to them or not)* by the Hudson's Bay Company; and even that he will not aid, assist, or abet, attempt to aid, assist, or abet, or supply with spirituous liquors, trading goods, provisions, or other necessaries, any one else who shall attempt to violate the same—and all this amongst a population who have no possible means of ascertaining what the privileges of the Company really are, and are obliged to believe all that the Company choose to say respecting them.

A colony in which such laws are in force, as are quoted from the Minutes of Council above cited, and where the only freehold property is

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to be obtained under this Land Deed, is as unlike a British colony as anything can be conceived.

And so far has this determination to stop the fur traffic been carried, that a man who would buy land is compelled to bind himself, under forfeiture of his property, that he will not carry on or establish a trade or traffic in or relating to any kind of skins, furs, peltry, or *dressed leather, in any part of North America*. So that a man could not hold land at the Red River settlement, and pursue the occupation of a shoemaker in Canada, or in Mexico: to such an absurdity has this tyranny been carried.

Now this is the Company—one capable of making such regulations as these,—this is the power to which is to be now entrusted the responsibility of founding a British colony on the shores of the Pacific Ocean. This is the body to whom vast possessions are to be granted, and vast powers entrusted, without any kind of security that there shall not be, in their new territory, a repetition of all the absurdities which disgrace their present domains—any kind of security that this Land Deed, for example, shall not be enforced in Vancouver's Island.

But not only is it made compulsory upon every person wishing to acquire land at the Red River,

to sign this deed, making over for ever some of the most valuable rights of property and privileges of Englishmen, but many of the old settlers, who held land, not from the Company, but from Lord Selkirk, prior to the territory having been sold back again to the Company, were persuaded by the Company's officers to give up their old Deed, and to sign the new one.

Thus it appears that all the interests of this settlement are made subordinate to the monopoly of the fur trade. Commerce is under an interdict—landed property is unknown, except under conditions which make the freeholder a more absolute slave to the Company, than the workman or the hunter.

The next thing to be noticed, which is matter of great complaint on the part of the Red River colonists, is, the enormous freights which they have to pay for any mercantile communication with England. The letter of the half-breeds, quoted above, mentions £8—the Company now charge £9* per ton, for all goods shipped to York Factory, for any of the settlers at the Red River: these goods have then to be conveyed more than eight

* After the above was in print, I heard that the freight has *recently* been reduced to £5.

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hundred miles up the country to the settlement ; they are carried in boats up the river, and across Lake Winipeg. The route is interrupted by numerous portages—Mr. Ballantyne says as many as thirty-six—at each of which the boat has to be unladen, and all the goods, and sometimes the boats themselves, have to be carried over land to the fresh place of embarkation. The length of these portages varies from one hundred yards to above a mile. The charge which the Company make the settlers for the conveyance of goods from York Factory to the Red River, is 20s. per ninety pounds, or £24. 2s. 2d. per ton,—which makes, altogether, a freight of above £33 per ton, from London to the Red River.

Now the Company does not interfere with the settlers who may choose to convey their own goods from the settlement to York Factory, or back again, in their own boats ; but it is not clear whether they will allow any other than themselves, or those to whom they grant a special licence, to convey goods for hire, or freight, from one point to the other.

But, however this may be, it is certain that no competition whatever is permitted to interfere with the freight for goods conveyed from England to Hudson's Bay. None of their illegal rights have the Company asserted more strenuously than this. The waters within the Hudson's Straits are debarred

to all but the Company's navy—waters teeming in all directions with whales, seals, and other fish, from which wealth might be obtained, and in the pursuit of which, enterprise and capital might be profitably expended ; waters washing shores where copper and lead are said to abound, and part of which would amply repay the toil of the agriculturist ; waters in a climate less severe, and where navigation is less difficult than those of other parts of the globe with whose industrious inhabitants the English merchant carries on a prosperous and advantageous traffic ;—these waters are to be for ever undisturbed, except by the keels of the Hudson's Bay Company's "annual ships."

Truly, when we read of "*the annual ship*," with its "annual" cargo of skins, we are carried back in imagination to the days of the Argonautic Expedition and the Golden Fleece, and can with difficulty believe that we are speaking of the operations of a great mercantile corporation of the greatest commercial country in the world, in the middle of the nineteenth century.

When the question of the Hudson's Bay Company was brought before a Parliamentary Committee in 1748, two cases were mentioned, in which the Company had seized vessels attempting to penetrate into Hudson's Bay for the purpose of

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trade. The plan adopted by the Company was to take the ships and run them on shore, where they were lost.

There was an action respecting one of these ships, but the question as to the validity of the Charter was not involved. The Company, it seems, pleaded that the ships were lost through stress of weather. This proves, however, the determination of the Company, from the first, to exclude all vessels but their own from the waters of Hudson's Bay.

The freight, then, which the Company charge to the settlers in their territory, is one which no changes in commerce, no fortunate abundance of shipping, or deficiency of cargoes, can ever affect: it is permanently removed from all possibility of change: and the Company have only to say that so much shall be charged, and it is charged. The measure of freight to Hudson's Bay is not the expense of the voyage, but the squeezibility of the settlers.

The voyage to York Factory averages about seven or eight weeks. This is a long voyage. The distance from York Factory to the Orkney Islands having been sailed in eighteen days,—a month at York Factory, and a couple of months to return, will give an entire voyage of five months for the whole: the expense of chartering a ship would be about

16s. per ton per month, *i. e.*, £4 for the voyage *out and home*. But the Company are charging £9* for conveying goods *out* in a vessel which *must* go out in order to bring their furs home.

The result of this policy is, that the settlers at the Red River are procuring manufactured goods from the American frontiers, especially from St. Peter's and St. Louis on the Mississippi, instead of from England: and we are assured that English manufactured goods can be conveyed the whole of the way to New Orleans, and thence by the entire length of the Mississippi up to its source, and thence across the plains in waggons, to the Red River settlement, for not much more than half the price at which, under the Company's auspices, they can be conveyed by York Factory from England.

Now we do request the reader to turn to the map at the beginning of this volume, and read the above statement over again; but we request him, in addition, to observe the third and Canadian route.

The conveyance of goods by water carriage is practicable the whole way from London to the head of Lake Superior; and from Fort William, on Lake Superior, there is water carriage by rivers and lakes the rest of the way to the Red River settlement: and it is

* See Note, p. 222.

asserted by those who have travelled both routes, that the portages are neither so numerous or difficult along these rivers as they are along those which must be passed between York Factory and the settlement.

The distance between Lake Superior and the settlement is not more than five hundred miles, while from Fort York the distance is above eight hundred. The route from Lake Superior is not only capable of being made practicable and easy, but it lies through the richest part of British North America. The magnificence of the river is dwelt upon by Sir G. Simpson, as well as by all who have travelled along its course.

It was along this route that the enterprising voyageur of the North-West Company of Montreal conveyed the provisions which were to support the trader at the distant and isolated posts, which his daring energy had pushed far into the interior of North America, and down which he returned laden with the spoil of the furthest recesses of the continent, at a time when the Hudson's Bay Company, under the narcotic influence of their Charter and their monopoly, were bargaining with the straggling tribes who resorted to the neighbourhood of Hudson's Bay.

The settlers of the Red River want to know why that route is not again opened,—why the Company, if it has really the interest of the settlement at heart, has not kept up the communication between their country and the Canadas? and they assert, apparently with some cause, that the Hudson's Bay Company purposely oppose every barrier between their territories and the Canadas, in the dread lest unrestrained communication might awake again the rivalry which they formerly experienced, and risk the validity of their claims; and so the Red River settlement, and every other part of the enormous territories over which their sway extends, are languishing under the interdict of perpetual obscurity, which the Hudson's Bay Company are necessitated to inflict for the protection of their unwarrantable pretensions.

There will not be space, within the limits of this book, to specify the various complaints which have been made against the Company by those under its government; and it must be borne in mind that we do not profess to prove, nor even to be responsible for, the truth of all that it is necessary to state in a work like the present. We say, *necessary* to state, because our task is to shew that there is a stronger *primâ facie* case for the most searching

scrutiny into the government of the Indian territories, than has ever been shewn in any case whatsoever. In pursuance of this object, we proceed to state one or two more of the grievances under which the settlers at the Red River assert that they are suffering.

The first example I shall take is in reference to the restrictions in the trade to England. The case of Mr. Sinclair's tallow speculation being frustrated by the Company, has been spoken of. Mr. Sinclair has other complaints to make. This gentleman was one of the most active in getting up the petition to the Home Government against the management of the Company. The method which the Company took to revenge themselves, is too singular to be overlooked. Mr. Sinclair is a merchant who procures goods from England, and disposes of them in the colony: and as no ships are allowed inside Hudson's Straits except those belonging to the Company, Mr. Sinclair had no means of procuring his annual stock of merchandise from London, with which to carry on his trade, except by obtaining freight for it in the Company's vessels. Of course, then, Mr. Sinclair, like all the rest of the colonists, was not only compelled to procure a licence from the Company to allow him to traffic with England

at all, but was entirely dependent upon their goodwill for obtaining a freight for his goods, even at the enormous rate which they ordinarily charge.

Well, as soon as it was known that Mr. Sinclair was one of the "turbulent scoundrels," at the Red River, who thought that the liberties of Englishmen were scarcely respected in that colony, and that a petition to the Home Government might improve matters, a letter was addressed to him, of which the following is a copy :—

*" Fort Garry, Red River Settlement,
" August 25, 1845.*

" SIR,
" I beg to state, that in a private letter from Mr. Secretary Smith, dated the 18th April last, and received on the 25th instant, I am requested to acquaint you, that no goods will be shipped in your name on board the Hudson's Bay Company's ship for York Factory this season.

" I remain, Sir,
" Your most obedient Servant,
" ALEXANDER CHRISTIE."

" *Mr. James Sinclair.*"

So that Mr. Sinclair, for offering an honest political opposition to a corrupt and tyrannical government, was deprived of the supply of merchandise which was necessary to enable him to carry on his lawful vocation. Can there be found, in any of the

worst pages of English history, a more wanton and undisguised piece of tyranny than this? And yet this is what may happen every day in a country under such a system as that of the Hudson's Bay Company, and as that under which, in a great measure, Her Majesty's Government are desirous of placing Vancouver's Island.

There is another point which ought to be noticed, not because it is complained of by the settlers as a grievance, but because it is an instance of the unscrupulous manner in which the Company set the laws of this country at defiance.

The fact was alluded to above, that an Indian was hanged at the Red River settlement. There have been, it would seem, two, if not three, executions, since the Recorder commenced his duties at the settlement.

It would not be a matter of complaint that a person worthy of death should meet with the punishment he deserved, were it not expressly provided by Act of Parliament that he should not.

An Act of Parliament was passed, 42 Geo. III., cap. 138, for establishing the jurisdiction of the Canadian Courts over the *Indian Territories*; and, by that Act, crimes committed beyond the limits of the Canadas, were to be considered as if com-

mitted within those limits, and to be tried in the Canadian Courts of Law.

Another Act, 1 & 2 Geo. IV., cap. 66, was passed, declaring that the Act of Geo. III., just quoted, should be considered to apply to "*Rupert's Land*," as well as to "The Indian Territories." This Act also especially provided that all *felons*, and all civil causes in which the amount of property involved exceeded £200, should not be tried in the Courts of Law in Rupert's Land and the Indian Territories, but should be tried in *the Canadian Courts alone*.

Consequently, the trying and hanging a man for murder in the Red River settlement, is directly in violation of Act of Parliament.

But, a grievance more nearly affecting the mass of the colonists is, that they are taxed by an arbitrary power in an illegal manner. It will be seen, by an examination of the Minutes of the Council at Red River, quoted above, that the Company institute what tariff they please, and that they have so arranged their tariff as to make the payment of duty a punishment for interfering with their exclusive trade. It appears that the Red River settlement is under the management of the Governor of Assimboia, and a Council, who ad-

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minister all the ordinary affairs of the colony ; but there is another, and superior, Council, which sits once a year, and is called together by the Governor of the whole of the Company's territories, at any place convenient to himself. This Council consists of chief factors and chief traders, from various parts of North America : the Minutes, quoted above, were passed at a meeting of this Supreme Council. Now it is impossible to ascertain what are the distinctive functions of these two Councils ; but the Red River people assert that it is in the highest degree unjust and injurious that their affairs should be interfered with by a Court composed of men who are collected from all parts of North America, for the purpose of regulating the fur trade, and have no interest whatsoever in their prosperity, and possess neither acquaintance with, nor sympathy for, their necessities as colonists. By one, or both, of these Councils—in fine, by the arbitrary power of the Company—taxes are imposed, and duties levied ; and no account whatsoever is rendered to the taxpayers, of the disbursement of the public money. Now the whole of this transaction is *utterly illegal*, from one end to the other. The Crown having no power to impose taxes without the consent of Parliament, is manifestly incapacitated from conferring

that power upon any person or company whatsoever. Nor can we find that any such power is granted even by the Charter. Nay, more than this, a careful inspection of the Charter will shew that no authority whatsoever belongs to the Company, to make laws, except "for the good government of the said Company, and of all Governors of colonies, forts, plantations, factors, masters, mariners, and other officers *employed, or to be employed*, in any of the territories or lands aforesaid, and in any of their voyages." The Company may impose pains and penalties, and punishments, upon all offenders contrary to such laws, &c. ; but there does not appear to be any authority to make laws, except for persons in *their own employment*. It is true that the Governors, and their Councils, appointed by the Company, have "power to judge all persons belonging to the said Governor and Company, or that shall *live under them*, in all causes, whether civil or criminal, *according to the laws of this Kingdom, and to execute justice accordingly*." So that there was a distinction drawn between the legislative and executive powers entrusted to the Company:—their legislative authority extending only to servants in their employ, whilst they were empowered to administer the law of England to all

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who might live under their sway. The right of the Company, therefore, to make laws for, and especially *to tax*, the settlers at the Red River, is wholly and indefensibly illegal.

The government of the Red River settlement appears to be, as might be expected, a most extraordinary jumble between the necessities of the fur trade, and the wants of settlers; at least this was the view taken by one, of whom Sir John Pelly asserted to Her Majesty's Government, that "no man in the Company's service enjoyed such opportunities as he did, of becoming acquainted with their management, and none was better able to appreciate its effects." Mr. Thomas Simpson says, in a letter to his brother, written from the Red River,—

"Our plans of colonization are so wild and unfortunate, and the Company's business is tortured by so many and such strange changes, that, as a man of business, I feel but little satisfaction in it. We have shepherds, shepherdesses, and dogs, numberless, come out, but the wolves have been ravaging the flocks; the tallow trade is broken up, and the experimental farm bedevilled. All that sort of thing, to be permanent, must be done by the settlers themselves; but the business here is tagged together in the most strange and unsatisfactory manner."

"We have abundant crops and provisions from the plains this year; money and meat are abundant, and that is all that can be said of the place; discomfort, isolation,

prodigality, idleness, and immorality, with its concomitant pleasures, complete the picture.”*

“You can have no idea of the curious position the Company holds here. The land of the colony, and the right of the government, is Lord Selkirk’s, by grant from the Company; and, until 1826, the executors of the late Earl had a separate establishment, with a Governor of their own; but since then, their affairs have been managed exclusively by the Hudson’s Bay Company, the Hudson’s Bay Factor has been their Governor, and the Hudson’s Bay Fort their place of business; but they sell the land at 12*s.* 6*d.* per acre, and pocket the money—a very cheap and convenient method, you will say. It is true they keep about a score of policemen in pay; but this force is a mere nonentity, and the Hudson’s Bay Company have virtually to act as judge, jury, and jailor, in his Lordship’s colony.”†

This was the opinion of the best and most intelligent of the Company’s servants, respecting the condition of the settlement a few years ago; and such an opinion alone, is enough to excite a suspicion in the minds of fair thinking men, that all in that colony is not as the Company have persuaded their champion to describe it.

I know that a great stress has been laid upon the prosperity of the Red River settlement, and that there is a disposition on the part of those in power, to rest contented with the single fact, that such a settlement exists, and that it has increased to its

* Life and Travels of Thomas Simpson, p. 92. † Id., p. 94.

present state of prosperity, as a sufficient evidence to contradict all that has been urged against the government of the Company. Those who have fallen into this opinion, must first have believed all the fables which have been put forth as to the great difficulty of settling and civilizing the country.

But there is another light in which to view this *fact* of the Red River colony: when we shew that such absolute misgovernment exists, and know that in spite of all, the colony has grown to a certain magnitude, and attained a certain degree of prosperity; it is not without reason, that we doubt altogether the exaggerated accounts which have been given of the obstacles in the way of spreading Christianity and civilization through those distant regions; and that we ask, if such have been the results, under so narrow and tyrannical a system of management, what might not have been effected under a generous and liberal government?

The question is, What *has* grown up? and, What *might have* grown up? Have we, at this moment, at the Red River, "a rising community," which, in the words of Sir J. H. Pelly to Lord Glenelg, "if well governed, may be found useful at some future period, in the event of difficulties occurring between Great Britain and the United States of America?"

or have you a community of which Mr. T. Simpson could speak as follows ?

“ Many of the industrious Scotch who first planted the colony in 1811, under the auspices of the late Earl of Selkirk, have saved handsome sums of money, besides rearing large families in rustic plenty. A considerable portion of this valuable class, however, dreading the predominance and violence of the half-breeds, with whom they have avoided intermarrying, have converted their property into money, and removed to the United States.”*

Is this a colony of which England can boast ? or is this to be the barrier upon which England is to depend, against the encroachments of the United States ? All the best settlers already gone over to the enemy, and the rest only awaiting the refusal of the Colonial Office, and of the Parliament, to listen to the complaints which they have made, in order to follow the example.

The English public shall not be left in ignorance that a considerable portion of the half-breeds of the Red River will, if changes in the government of that colony be not speedily introduced, throw themselves into the arms of the Americans.

The following is an extract from a letter received from the Red River, from one who is well acquainted

* Life and Travels of Thomas Simpson, p. 88.

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with the opinions and feelings of the half-breeds of that colony. It is dated September 8, 1848 :—

“ Ils ont la confiance que si la Compagnie obtient la confirmation de sa Charte, cette Charte sera du moins modifié de maniere á n' exclurre du droit de traite que les etrangers et nullement les natifs du pays. Que si les Metifs se voyent interdits la jouissance des produits de leur pays au profit d'aventuriers etrangers exclusivement et cela par un acte du Parlement ils sont decidés à exposer la rationabilité de leur plaintes et de leur demandes au Congres des États Unis, et le refus qui leur aura ete fait par le Parlement Britannique; puis se decideront à demander au dit Congrès de bien vouloir prendre possession de leur pays et se soumettront aux loix des États Unis. Or je sais de bonne source que cette offre sera acceptée. Il-y-a Deja un certain nombre des Metis etablis a l'imbina, et bien surement si la Compagnie obtient un pouvoir aussi despotique que celui qu'elle exerce depuis si long tems, tout finiront par passer de ce coté-ci de la ligne et se trouvant plus fort, ils feront voir alors qui en aura eu tort d'avoir meprisé leur plaintes.”

It is high time we should begin to rate the patriotism of this Company, for whose sake we have made such enormous sacrifices, at its true value.

The Company have now, for a long time, urged claims on this country, on the score of the national benefits we have received from it, in the shape of British influence maintained throughout the continent of North America.

Is this a just or a fraudulent demand? We have

already, in the first chapter of this book, shewn very strong reasons for suspecting that the Company have betrayed the interests of this country on the west of the Rocky Mountains ; and that it was by their influence and agency that the colony of American citizens was established, which gave the United States a claim, which they otherwise could not have had, to the best part of the Oregon territory.

We have shewn that when there was a question about the boundary at the opposite corner of their dominions, the neighbourhood of the Red River, they resigned a considerable tract of country, which, if there were one jot or tittle of validity in their Charter, belonged, beyond all question, to this country ; and that they did so, because they had rather that their country should lose its dominions, than that they should risk their privileges. And now they stick up this bugbear, to frighten us into the idea that British ascendancy in the continent west of the Canadas depends solely upon what their government and their patriotism has effected ; but the fact at last comes out, that the inhabitants of the only colony they have formed are waiting the first opportunity of throwing itself into the arms of the Americans.

The Company are responsible for the character and politics of this their colony: no one has interfered with them in its erection or its government: it is their child, not typically, but really. Not only is the settlement itself, in its collective and corporate existence, a community of their organization and management, but the very inhabitants themselves—these half-breeds of the Red River, are their bodily descendants. Then the Company alone is responsible for the child of its creation and education; and we have, therefore, a right to demand an account of its stewardship.

Never has there been a community, in the whole world and in all time, which has had so few difficulties to contend against as the settlement of the Red River. No great influx of settlers, from them or any other country, have imported hostile or disloyal opinions into the colony. No surrounding communities have been acting upon it with various and opposing influence: it has been cut off from the opinions, the politics, the agitation of the world— isolated, far more by the peculiar policy which has pervaded its government, than even by the remote and inaccessible situation in which it is placed. Its opinions, its feelings, its political tendency, have been wholly self-developed.

And yet with all these favourable circumstances, when the Company might have stood, not only in the light of *parent* to the inhabitants, but of benefactor to the community, and so have monopolised the whole and entire affections of the social body, what is the truth?—that the Company is hated; and England hated in the Company.

There is indeed something strange and awful in the manner in which the avenging Deity has found a weapon for the chastisement of this Corporation in the discontent of its own offspring. It made the native man the tool of its pocket, and the native woman the slave of its passions; but the very crime itself has generated the instrument of a retributive justice. “Viewing the service generally,” said Thomas Simpson, “I must candidly confess, judging from the actions of others, that its promises of happiness are hollow, whilst an awful fatality seems to overhang its retiring members—a punishment for the unprincipled and licentious lives they have led.” And now it would seem that the same language might be applied to the last days of the Company itself, which its wisest servant applied to its members. The Company can govern these half-breeds no longer. If Parliament does not interfere, the monopoly of the fur trade will only be preserved by vio-

lence—for the half-breeds *will* trade in furs : they consider that it is their legal right, and they can only be prevented by actual violence, from enforcing their claim.

These half-breeds are not to be despised or neglected : they are a fine race of men, combining the ready intelligence—that quickness in acquiring knowledge, and the desire for improvement, which belong to the civilized man ; with the endurance, the enterprise, the intolerance of oppression, the determination to revenge, which are peculiar to the savage.

Through the half-breed race, the means are open for civilizing the whole country, by acting on the Indian families who are related to them. If there were any real desire on the part of the Company to do so, the Indians could, by the influence which might thus be brought to act upon them, be induced to leave their wandering life, and quit the precarious subsistence of the chase, for the surer livelihood to be drawn from the cultivation of the soil.

Without this, there can be no hope of reclaiming the Indian ; by it, that result might be secured.

Upon every consideration, therefore,—for the interests of humanity itself, the good government and conciliation of the half-breeds is a matter of the

deepest importance. But this Company have provoked their hostility without possessing the power to restrain their passions. It has robbed them of the inheritance of their rights as savages, which they claim as descendants from the natives of the soil: it has deprived them of the privileges of British law, which they claim as British subjects and colonists.

In respect to every function of government—the legislative, the executive, the commercial, the financial, the colonial, in whatever light its administration can be regarded,—this Corporation exceeded its powers, neglected its duties, violated the law, and disobeyed its Charter.

CHAPTER IX.

VANCOUVER'S ISLAND:—WHAT IT WILL BE— WHAT IT MIGHT HAVE BEEN.

THIS work was on the point of going to the press, when an advertisement appeared in the *Times*, of the 27th January, by which the public were informed that the Charter granting Vancouver's Island to the Hudson's Bay Company had been finally signed on the 13th of that month.

One of the objects contemplated in this publication was a full statement of the reasons why that grant ought not to have been made, under any circumstances, but, especially, not until a complete and impartial investigation into the charges which have been made against the Company, and which are the subject of the foregoing pages, had enabled the Government and Parliament to decide whether the Company could be safely trusted with any additional power: whether, in short, the object being to found a colony, it were true or false, that the Company to whom it was proposed to entrust the task, were deserving of such a character as would

effectually prevent any colonists from putting themselves under its sway.

To dwell upon this subject, now that the Charter has finally issued, would be, perhaps, only waste of time. The Hudson's Bay Company are in possession of Vancouver's Island, for a few years, at any rate; unless, indeed, the Parliament should deem the subject of sufficient importance to justify its addressing the Crown with the object of recalling the grant.

However this may be, a few remarks upon the future prospects of this most valuable and important possession, may not be without interest or utility. When, towards the close of the last session of Parliament, the Charter which it was proposed to issue was laid before the Houses of Parliament, there were two objections taken:—first, that the Company were not, under any circumstances, the proper recipients of such a grant; secondly, that, supposing them to have been so, the grant in question was a most unwise one.

The first of these objections remains unchanged; the second still applies, though in a less degree. And if there were wanted any justification for the opposition which was raised against the scheme proposed by the Colonial Office, it would be afforded

by the fact, that some of the worst features which the proposed grant exhibited, have been changed in that which has actually issued. For example: it was originally proposed to vest in the Hudson's Bay Company the property of all the fish in the waters in and about the island. That right the Company have been compelled to abandon, in obedience to public opinion; and the fisheries will now be open to all who may think it worth their while to settle in the new colony, under the auspices of the Company.

Again, it was originally proposed by Earl Grey to leave the administration of justice to the provisions of the Act 1 & 2 Geo. IV., cap. 66, by which all cases of felony, and all civil causes in which the property involved amounts to more than £200, are compelled to be tried in the Canadian Courts.

Although nothing is added to the Charter itself respecting this point, yet, in the proposed scheme of government which appeared in the advertisement mentioned above, a public guarantee is now given that an application shall be made to Parliament to remove the restrictions of the Act of George IV., and to vest the power of administering English law in the local tribunals of the new colony.

Again, in the original grant, there was no guarantee of any kind that the profits arising from the sale of the land, and from the royalty which the Company are permitted to demand from the settlers, for the right of working the mines and minerals, should be expended for the public benefit of the community of colonists. In the actual Charter, however, it appears that a clause has been inserted, by which the Company are bound to expend nine-tenths of such money in the improvement of the colony, reserving to themselves as profit, only ten per cent. of the whole of the revenue derived from these sources.

It is not at all clear, as yet, what the Company are going to do, which will entitle them to the enjoyment of *one-tenth* of the public funds of the new colony: but, at the same time, a great step has been gained in procuring a guarantee that nine-tenths shall not swell the dividends of the Company, or be diverted from the objects to which they are justly applicable.

All the three points here noticed are very important changes in the original design of the Charter, as affecting the future prospects of the colonists: they by no means, however, embrace all the objections which were urged against the proposed grant.

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The objections which have been left unnoticed, are no less sound than those which have been met by alterations in the terms of the Charter; and it will not be possible to speculate on the future prospects of the colony, without shewing how the objectionable features which remain will probably operate on its interests.

It would be an error to suppose that those who have taken an interest in the colonization of the north-west coast of America, and who have opposed the extension of the power of the Hudson's Bay Company, have nothing more to do, because the Charter which disposes of Vancouver's Island has actually issued.

According to this Charter, the Crown reserves to itself the power of recalling the grant of Vancouver's Island at the end of five years, should it appear that a want, either of capacity or of will, has frustrated its intentions. Again, the Crown reserves the right of buying back the island, at the time when the Licence of Trade over the Indian Territories expires, in 1859, at the price of whatever sum the Company may, in the mean time, have expended. Hence, it behoves the public and the Parliament to watch with a jealous eye the manner in which the Company execute the task which they profess

to have undertaken; and to repair, in some measure, the mischief that has been done, by insisting on the revocation of the grant, if the Company fail to fulfil its intentions.

There is ample evidence in the foregoing pages, that the Company are not to be trusted. If it be true that they obtained great privileges, under the pretence of making geographical discoveries, without the least intention of making any discoveries at all, and that they applied for the renewal of extensive powers, on the plea that they would be enabled to civilize and to Christianize the Indian population, and yet have never taken the least trouble to do one or the other; then it is neither sceptical nor uncharitable, when they solicit a grant of Vancouver's Island, on the promise that they will colonize it, to reply, we have not the smallest faith that you will keep your promise, unless you are compelled to do so.

Nor is our faith in the promises of the Company at all increased by their publication of a showy advertisement for colonists; which will probably have no other result than that of affording an argument to the Company, at some future time, to prove that the failure of the colony was not their own fault.

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There is strong reason to suspect that the Company never did intend to colonize any part of their territories. They never proposed to do so until it was inevitable that it must be done by some one : and their whole conduct suggests the idea of a desire to get possession of the country, only for the purpose of keeping others out. Driven out of this design by public opinion, they have undertaken to colonize, or to give back the island to the Crown, to be disposed of to those who will do so. It is our task to insist upon this condition being fulfilled.

As affecting the future prospects of the colony of Vancouver's Island, it is extremely difficult to understand what position the Hudson's Bay Company are to occupy, or what specific duties have been imposed upon them. It is not easy to perceive what tasks have been assigned to them, which could not have been performed as well, or better, by Her Majesty's Government, and by the local Colonial Government.

There are certain officers in a colony who ought, as the general opinion is, to be appointed by the Crown, for the sake of preserving a connecting link between the mother country and its dependency: such are the Governor and the Chief Administrator of the Law.

It is conceivable that the Crown may waive the right of this appointment in favour of the settlers, for the sake of securing the services of a Governor well acquainted with the local necessities and interests of a distant colony, and commanding the respect and esteem of its citizens; but one is at a loss to know why that right should be waived in favour of a commercial Company, which, being altogether irresponsible for the exercise of its patronage, can have less motive than even the Colonial Office to appoint an efficient officer. There can be no grounds, then, for allowing the Hudson's Bay Company to dispose of the Government appointments, whatever they may be, in Vancouver's Island.

To survey the land, to apportion it to settlers, to fix its price, to receive the money paid for it, to charter ships for emigrants, to see the emigrants comfortably provided for on board the vessels, and lodged on their arrival in the colony—all these are simple operations, which must be performed by paid agents; and those agents, or those who employ them, ought to be responsible for the manner in which these tasks are performed, to those for whose benefit they are undertaken—that is, to the settlers in the new colony. Therefore, there is no reason

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why these duties should have been imposed upon a trading Company, who are only incidentally and remotely responsible for their conduct.

Still less is it necessary to employ such a body to collect and expend public money of any kind, whether it be collected as taxes, or as the price of land, (which should be only another name for a tax for the import of sufficient labour,) or as royalty for the right of working mines and minerals. All these are public funds, collected and held in trust for the community of colonists, and of which an account ought to be rendered to those whose interest it is to see that they are managed for the public weal. Therefore, here again, it does not appear that the interposition of an irresponsible Company can be attended with benefit to the colony.

There is only one ground which has been put forward as a justification of the course pursued. It has been implied by Her Majesty's Government, that the Company are about to advance *the capital* necessary for the first settlement of the colony.

The Minister for the Colonies acquainted the House of Lords, in the last session of Parliament, that the reason why the Hudson's Bay Company had been applied to to undertake the colonization

of Vancouver's Island, was, that no other parties were willing to do so, who were possessed of sufficient means for its accomplishment.

The Government, it seems, declined to negotiate with any parties who could not in the first instance shew that they were possessed of capital sufficient to found a colony. Now it would be worth knowing whether the negotiation with the Hudson's Bay Company was conducted in a similar manner. There is no information before the public whether the Government demanded from the Company any account of the capital which they contemplated spending in colonization. This is a most important question ; because, if the Company are not going to spend any money, or to invest any capital in the island, then the reasons put forward by the Colonial Office for not leaving the settlement of the country to private enterprise, fall at once to the ground. If the Company are not going to lay out capital in the task of colonization, they will have no pecuniary interest in the success and prosperity of the settlement. The capital invested will, in that case, be entirely the property of individual emigrants ; and one cannot see why the property of the soil, and the management of the public funds derived from the sale of

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land, and from the royalty on the coal, should be vested in a Company who have no pecuniary interest in the enterprise, instead of in a Government responsible to the settlers, whose interest it is to see that the public money is expended for the benefit of the community.

The Company, moreover, are to have the exclusive privilege of working all the mines in the country, coal, metals, &c. It is not easy to see why this privilege is to be taken away from the settlers. There is no such restriction upon the enterprise of emigrants in other colonies ; why, then, should there be in Vancouver's Island ? The Company are not bound by their Charter to allow the settlers, or to allow any one, to work the mines at all ; and it will be a matter of grace if they give such permission, even upon the payment of a royalty. If the object in view be the foundation of a colony, it is difficult to see how that object is promoted, by putting such restrictions upon the colonists. And even supposing that it were thought right that a part of the wealth derived from the mineral resources of the country should be devoted to the public advancement of the colony, it is not easy to see any good reason why the disposal of these public funds should not have been entrusted to the local Government—a Govern-

ment responsible to those for whose interest the money ought to be held in trust,—instead of to a Company whose Direction is in London, and which is wholly irresponsible, either to the colonists, or to the British Parliament.

But we have lately been informed that the Company do intend to invest capital in the new colony. Indeed, since the only reason for refusing to permit the island to be colonized by private enterprise was, that capital was not forthcoming, we may assume that Her Majesty's Government have obtained some *guarantee* from the Company that they are going to invest some capital in the enterprise.

There is ample evidence, in the foregoing pages, that it would be absurd to give this Company credit for unproductive patriotism.

The case stands thus:—The Company have a certain amount of capital engaged in carrying on the fur trade. Are they going to withdraw this capital from the fur trade, and to expend it in colonization? If so, to what do they look for a remuneration? They cannot withdraw capital from a trade which pays a good dividend, and invest it in another speculation, without some expectation that their profits will be at least as great as before. Now, whence are they to obtain a return

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for the money expended in colonization? Obviously, it must come, in some shape or another, out of the pockets of the colonists. Whatever capital the Company spend on the colony, must be considered in the light of a public or national debt on the colony. It is a national debt imposed on the colonists, without their consent, and in the expenditure of which they have not been consulted, and over the interest payable upon which they are to have no control. This is a very important point, because it brings the question to this issue: either, on the one hand, the Company are not going to invest capital in the island, in which case there is no conceivable reason why they should be entrusted with its management; or they are going to spend such capital, and they must obtain a return, in some way or other, out of the pockets of the colonists.

It is a sound maxim, to which there ought to be no exception, that if it be necessary for the first establishment of the colony, that capital be advanced in the form of a public debt on the community about to be formed, the expenditure of that capital should be entrusted to parties, responsible to those for whose benefit the money was borrowed and who are to be saddled with the payment of the interest.

But this maxim is directly violated by placing

the disposal of the public money in the hands of a Corporation who are not obliged to render an account to any one, of the manner in which they have fulfilled their trust.

It would appear, then, that upon either of these two suppositions, that the Company are, or that they are not, going to invest capital in the colony, the result may possibly be equally disastrous to the settlers and colonists. For, if they are not about to possess a pecuniary interest in the settlement, it is impossible to conceive any one duty which would not be performed far more efficiently by agents of the local Government than by servants of the Company; and, on the other hand, if they are about to lend capital upon the security of the colony,—if they are to be the accredited Jews to the new colony, the settlers ought, at least, to have a voice in the disposal of the debt, of which they will, in some shape or other, be made to pay the interest.

There is another and very serious evil which may result from having entrusted the supreme authority and influence in the new colony to a Company which may be considered to be themselves partners in the concern.

Most of our readers who have taken any interest in this question are aware of the existence of a

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Company called "*The Puget's Sound Agricultural Association*:" this is a Company which was formed a few years ago for the purpose of carrying on agricultural operations upon the shores of Puget's Sound, in the Oregon territory. It may be considered to be almost identical with the Hudson's Bay Company. Its officers are the same; and, I believe, its servants are the same; and it is understood that the shareholders are for the most part the same. The interests of the two may be deemed to be identical.

The farms of the Association are situated on the south side of the boundary line, in what is now the American territory; and the Government of the United States is about to purchase all the lands which have been brought into cultivation by the Association, according to an arrangement which was provided by the treaty which settled the boundary.

It is the intention of this Association to remove its operations to Vancouver's Island. All the farmers and servants will be at once transported thither, and the capital paid by the United States for the improvements about Puget's Sound will, no doubt, be available for commencing operations in Vancouver's Island.

In the Prospectus which the Hudson's Bay Company have published of the terms upon which land is to be disposed of to settlers in the island, it appears that the price is to be £1 per acre; and that three families, or six single men, are to be conveyed to the colony at the expense of the purchaser, for every hundred acres of land purchased.

It is a matter of importance to know whether the Hudson's Bay Company is about to submit itself, and its other self—the Puget's Sound Association—to the same regulations which are to be imposed upon other settlers. Is the Company going to allot land to itself, or to the Association, without paying to the public funds of the colony £1 per acre for all the land so allotted? Because, if not, a great injustice will manifestly be done to all the other colonists. The £1 per acre is to provide a fund to be held in trust for the benefit of all, to which fund all who share those benefits should equally contribute.

But here, at once, the strange and anomalous position which the Company is to occupy becomes apparent; for as they are not made answerable to the colonists for the money received on account of the land sold, there does not seem to be any

check against their allotting to themselves, or to their double—the Association, as much land as they find convenient, free of all charge. The result will be exactly the same as if they had granted themselves an immunity from the payment of the public taxes.

It is of the highest importance that public attention should be drawn to these facts; that if any men of independent capital contemplate emigrating under the auspices of the Company, they should know clearly under what disadvantages they will probably labour. And, with that view, they ought to know something of the nature of the operations which the Puget's Sound Association carry on, and of the system of colonization which has been hitherto adopted. It holds the land in its own hand, as landlord: it employs labourers, under the direction of agents: these labourers are described as being in an extremely degraded condition; they are generally selected from amongst the poorest class of the population of the Orkney Islands, and are said to be kept completely in the position of serfs. The whole proceeds of the farms, after paying the expenses of cultivation, are divided amongst the Shareholders of the Association's Stock in this country.

Now, the first manifest objection to this mode of

colonizing is, that it is a complete system of absentee-landlordism. It is obvious that no social system can be constructed, no civilization can be attained, where the whole mass of the population are in the condition of serfs; and the upper classes of society, who are enjoying the profits which arise from the labour of the colonists, are living fourteen or fifteen thousand miles away from the spot. Is it likely that a colony where any large part of the land is under such a system, will become very attractive to men of education, and of any independent property?

Again, the Puget's Sound Association have an export trade in different kinds of agricultural produce, with which they supply the Russian settlements towards the north, and in wool, which they send to England.

Now considering the identity existing between this Association and the Hudson's Bay Company, in whose hands the whole management of the colonization of Vancouver's Island is placed, there is a very strong reason to fear that the arrangements which have been made, will, for some years at any rate, utterly ruin that country as a field for colonial enterprise.

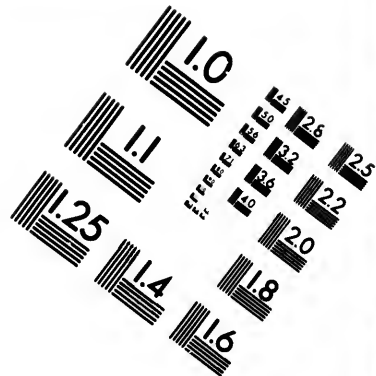
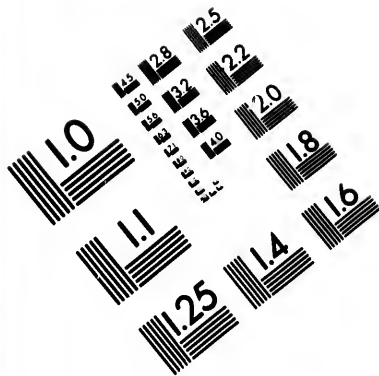
There is a strong inducement for the Company to grant all the best part of the island to themselves,

under the name of the Puget's Sound Association ; and to trust to the settlements which may be formed by that Association, as being sufficient to satisfy the obligation to colonize which is imposed by the Charter. There is a strong inducement to discourage the immigration of independent settlers ; first, because when all the colonists are in the position of their own servants, they will be able much more readily to prevent interference with the fur trade ; and, secondly, because the presence of private capital in the island could only tend to diminish their own gains, derived from the export of agricultural produce. And, on the other hand, there will be every possible discouragement to emigrants of the better class to settle in a colony where a large part of the country will be peopled only by the lowest order of workmen—where they may have to compete with the capital of a wealthy Company, and that Company not only their rival in trade, but at the same time possessed of the supreme power, and of paramount political influence in the colony.

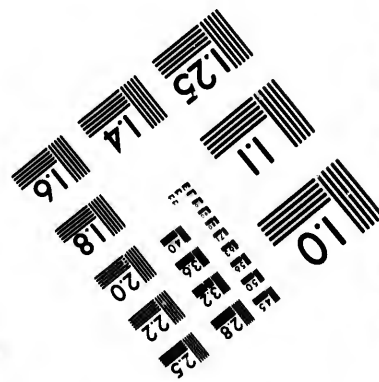
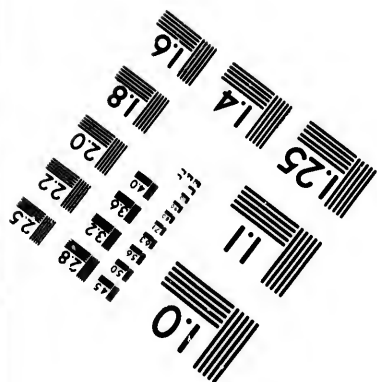
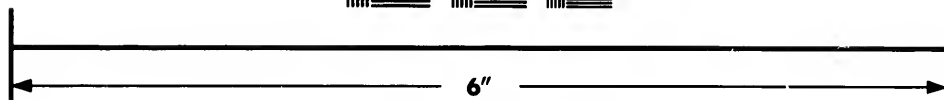
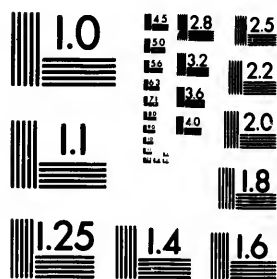
Certainly, it does seem very unlikely that, as long as there are other colonies to go to, any man with money in his pocket and brains in his head, will go to Vancouver's Island.

There is yet another part of the grant which has





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been made, which demands especial notice: it is that clause whereby the Crown reserves the right to purchase back the island, at the same time when the Licence of exclusive Trade over the Indian Territories shall expire, "*in consideration of payment being made to the said Governor and Company, of the sum or sums of money theretofore laid out and expended by them, in and upon the said island and premises, and of the value of their establishments, property, and effects, then being thereon.*"

Now the only single excuse for granting Vancouver's Island to the Hudson's Bay Company was, that the colonization would, by that means, be effected without expense to this country.

That promise has not been kept: for it now appears that the payment is only postponed for ten years.

Suppose for a moment,—and it is not at all unlikely to happen,—that, in the year 1859, when the Licence of exclusive Trade shall expire, it may be a matter of the greatest importance to take the island from under the power and influence of the Company;—suppose, for example, that their government is so bad, that if it be not put an end to, the colonists will revolt, and throw themselves into the arms of the Americans: according to the above

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clause, the only way in which it will be possible to get rid of the government of the Company, will be, by buying them out *at their own price*. The event, in that case, would be, that England, instead of having bought a good colony for ready money, will have given her acceptance, to an unlimited amount, for what is likely to prove, after all, a very bad article.

This clause of re-purchase may operate as a positive incentive or bribe to the Company to govern badly.

The Company are not only to be the lords paramount in the colony, but they are likely also, it would seem, to be colonists, or farmers, in the island. They are to have "establishments" there. Now, suppose they lay out their money foolishly;—suppose the investments which they make will not pay: of course, in this case, it will be their object to get their money back again, and to force the Government to purchase the island under the above clause: that is to say, we have put it in the power of the Hudson's Bay Company to speculate to any amount they may please, and, in case the speculation fails, to force this country to take the bad bargain off their hands at its prime cost. This is the arrangement which Earl Grey has made. And the manner in which the Company will be able to force the re-purchase

of the island will be, by bullying the colonists until their existence become no longer bearable; until the only question be, whether the Company shall be bought out, or the island shall cease to remain a British colony. These are the prospects of good government which Earl Grey has provided.

Now is it worth while asking, why has the Minister done these manifestly absurd and mischievous actions? A man who had distinct views, and an honest belief in their soundness, would have no difficulty or hesitation, when the opportunity was afforded, in putting them into language or action. The Minister has taken a very different course. Instead of adopting that mode of constructing a colony which he believed to be the right one, he declined the trouble and the responsibility altogether, and handed the whole affair over to a third party, to be done in any manner it might please; with the simple provision that, if not done at all, the island should revert to the Crown; or, if done badly, that it should be bought back at any sum which their agents might take it into their heads to throw away.

The Minister has publicly declared by this conduct, that he is possessed of no distinct guiding principles in respect to colonization. Let the public

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judge whether such a Minister is fit to preside over the vast colonial interests of this empire.

But I have not done with this clause as to the right of re-purchase. There is another very serious question connected with it. Where is this money to come from, which is to pay for the re-purchase of the island? The words of the Deed are, that the payment is to be made "by us, our heirs, or successors." Lord Grey has undertaken that the Crown shall pay this money—be it what it may, on demand. But Lord Grey is perfectly aware that the Crown is in possession of no funds whatsoever for meeting such an engagement; and Lord Grey could not have contemplated that the payment should be made out of the property of the Crown. Then, where can it come from but *from Parliament—from this country?* The Minister then has ventured to pledge this country to the payment of money, without asking the permission of Parliament to do so. It is impossible to believe that the House of Commons will tamely submit to this infringement of their most peculiar and sacred prerogative; or that they will hesitate to chastise the Minister who has abused the confidence of the Crown, by such unconstitutional counsels.

There is a reason, more important than all, why

the Hudson's Bay Company will never be able to form a *colony*. An agricultural settlement they may establish ; a few forts, where Scotchmen will grumble for a few years before they go over to the Americans—but never a community that will deserve the name of a British colony. *They do not possess public confidence*. It is a false and foolish notion that nothing but money is wanting to make a colony. You must have *men*, as well as money. No number of dollars will make a man, nor even a tailor ; but you cannot make a colony without men.

English gentlemen will not quit their own country for colonies, whence so many in the last few years have returned, poorer and sadder than they went ; whence complaints must circumnavigate the globe to be heard, and redress rarely survives the voyage back. It is now a matter of public knowledge and public faith, that the root of all evils in our colonial system is, that the local government is not responsible to the people over which they preside—that is to say, is not responsible at all. This opinion was a matter of belief to many before the publication of Mr. Gibbon Wakefield's "Art of Colonization." It is now a matter of *demonstration* to all.

It is, therefore, a matter of great wonder, that

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the Minister, who, of all public men, was most deeply pledged to the principle of responsible government in the colonies, should have committed the destinies of the only colony over whose birth it fell to his lot to preside, to the care of a Corporation more entirely irresponsible in its nature and constitution, than any public or private body in the empire—a Corporation enriched by the enjoyment of monopoly, and trained to the exercise of despotism.

Lord Grey may, indeed, have fancied that he was following the example of ancient times, in granting a Charter to a Company, and committing to it the colonization of the country. It is quite true that the best colonies were founded by Chartered Companies; but, in effect, those companies were the colonists. The whole virtue of those charters consisted in the delegation of powers of local government. But what is the case now? The worst and most mischievous feature in the Colonial Office system is left, viz., its enormous distance from the country which it governs; and its entire independence of the colonists. The only effect of the present Charter is, to remove the governing power from Downing Street to Fenchurch Street. The Hudson's Bay House is to be the Colonial Office of

Vancouver's Island ; but a more noxious Colonial Office for this reason :—the Downing Street Government is, at most, simply indifferent to the work of colonization. It has no natural antipathy to emigration, except that it gives more trouble. But the Hudson's Bay Company—the Colonial Office of this unfortunate new colony—has positive interests antagonistic to those of an independent settlement. It is a body whose history, tendency, tradition, and prospects, are equally and utterly opposed to the existence within its hunting grounds, of an active, healthy, independent, and flourishing colony, with all the destructive consequences of ruined monopoly and wide-spreading civilization.

It is a wrong idea, that the recent discoveries of gold in California will injure the prospects of Vancouver's Island as a colony: it may do so, just for the moment. Had those "various parties" to whom the Colonial Minister alluded last session as having been desirous of emigrating to Vancouver's Island more than a year ago, been encouraged to carry their designs into execution; had they been put into communication with one another, instead of having been all referred to a Company whom they did not, and could not, and will not, trust, the crops which they might now have been raising in Vancouver's

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Island would have been selling for their weight in gold on the Californian coast. But, apart from this, the colony in Vancouver's Island *must* succeed, if relieved from the baneful presence of the Hudson's Bay Company. The sources of prosperity in California are probably temporary; those in Vancouver's Island, permanent. They depend, for the most part, on its geographical position, upon its climate, suited to the English constitution and habits, its harbours, its soil, its mineral resources, upon its being the nearest point on the coast to the head waters of the Saskatchewan River, and, therefore, the terminus of the great route which it would be the wisdom, and will, ere long, be the task, of Great Britain to establish across the continent of North America, connecting the oceans that wash its opposite shores.

Had the Hudson's Bay Company been what they now pretend to be, and what the Minister would have us to believe them to be—possessed, as they are, of unlimited power, and, as they ought to be, of accurate information, these schemes of imperial importance would long ago have been attempted, or at least proposed, if not executed: they are even now brought before the public, not by the Company, but in spite of it. But the secrecy which has

hitherto shrouded the transactions of that body is no more: the mysterious obscurity of their dominions has been invaded. Even should their territorial property on the eastern shores of the continent escape, for a time, the storm which a grasping policy has conjured up upon the coasts of the Pacific, at any rate their days are numbered. Over the Indian Territories their existence will terminate with the Licence of exclusive Trade, in about ten years; and it seems not unlikely, that, working under the eye and under the criticism of a public daily becoming more intolerant of a faulty, because conscious of its increasing need of a sound and healthy, *colonial system*, this Company may find the last ten years of its life much like those which are said to be the lot of the human race—"but labour and trouble." The Company have undertaken to colonize Vancouver's Island; and colonize it now, they must, *and shall*, or give it up to those who will do so.

But, it will be asked, what should the Minister have done? If there really were no funds forthcoming to found the proposed colony; and if the Company offered to do so,—did not the Minister take the only course that was open to him? That is his defence. The reply is simple. The Company should be put out of the question altogether, because it were

better that the island should remain simply uninhabited and uncultivated, with the prospect of some future opportunity occurring for settling it, than that it should be placed under an authority which is necessarily hostile to colonization, and whose promises are not to be trusted.

The class of persons who would found the best colony, are young men of birth, intelligence, and education, and who possess a limited capital, but not sufficient to enable them to live independently in this country. There are crowds of this class. The task of framing a new colony consists chiefly in bringing a considerable number of such men together. This can only be done by the proposal of such a scheme as will command their attention and win their confidence. It must be, in a great measure, a Government scheme: that is, the good local government of the colony must be guaranteed by the Crown. This is, in fact, what the home Government have to do. The Colonial Office ought to have nothing to do with capital. If a man goes to a colony, it is presumed that he has the means, or that it is worth his while to go there. It is no business of the Government whether he has means or not. All that Government has to do, and ought to do, is to provide that the settler shall not be impeded in his

operations by ruinous restrictions and absurd regulations, that the law shall be administered, and that life and property shall be respected. If the Government will provide for these things, it may leave the question of *capital*, and *means*, to be decided by the colonists themselves.

I will suppose that a few young men, of the class described, contemplate the formation of a new colony: they select a spot which they foresee will in a few years become a most important position. They do not pretend to possess what are called "means," but what they have they are willing to risk in the prosecution of their design; and they have entire faith in the soundness of their views—in their own energy, their zeal, their determination to succeed. They believe, moreover, that they will be able to call around them a sufficient number of their own class in life to secure the success of their undertaking.

I will suppose that they apply to the Colonial Office, state their views, and request the patronage of the Government, without which they know it will be impossible to obtain the confidence of the public, or to offer a guarantee for the success of their enterprise.

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wise ; all they ask is, to be told what the Government will do in the event of their design being carried into execution.

I will suppose that the Minister for the Colonies is a man with whom the interests of the empire are of deeper moment than the stale and trite forms of official language ; and that, possessing distinct and straightforward views, he does not perceive why he should not state them in an honest and intelligible manner.

I will suppose such a Minister to receive such a communication, with respect to founding a new colony—for example, in Vancouver's Island.

What reply ought he to make ? It is possible some such as the following.

“ Your letter has received the best consideration of Her Majesty's Government.

“ Her Majesty's Government are deeply sensible of the importance of the early formation of a British settlement upon the coast of the Pacific, and of the peculiar advantages which Vancouver's Island affords for such a purpose, and therefore learn, with much pleasure, that the subject is engaging the attention of gentlemen of intelligence and education.

“ Every facility, which it is in the power of this office to afford, will be placed at the disposal of

those who are about to unite for the purpose of forming such a settlement in Vancouver's Island.

“At the same time, Her Majesty's Government would not think it right to propose that any grant of public money should be made in aid of the foundation of a new colony.

“Her Majesty's Government, deeming it of the highest importance that every encouragement should be afforded to individuals who may desire to emigrate without delay to Vancouver's Island, and with a view to remove all difficulties which might tend to damp the spirit of ardour and enterprise which are essential to the successful foundation of a new colony, take the earliest opportunity of stating, for the information of all who may be induced to embark in the proposed expedition, the course which will be adopted respecting the allotment and conveyance of land, and the establishment of the requisite government in the island.

“The Hudson's Bay Company have formed a settlement upon the south side of Vancouver's Island, and have brought some land under cultivation ; and I have signified to the Governor of that Company, that they will be confirmed in the possession of all lands which they have actually occupied and cultivated.

“The same course will therefore be pursued with regard to any other of Her Majesty's subjects who may think proper to settle in Vancouver's Island, prior to the establishment of a regular government in the country. All settlers will be confirmed in the possession of lands which they shall have actually occupied, and brought into agricultural use.

“In order to avoid all future disputes respecting the occupation of lands, the Governor of the island, who will be appointed as soon as any regular settlements shall have been made, will be invested with full authority, as Her Majesty's Commissioner, to decide what lands shall have been actually occupied and brought into agricultural use, previously to his arrival in the colony, and to determine and adjust all claims according to the true spirit and intent of this letter.

“Any individuals, therefore, who may proceed to the island at once, will be permitted to possess themselves, free of all charge, of whatever land they may have the means of occupying: and as soon as a Governor shall arrive in the island, they will receive a good title to all lands which shall have been actually brought into agricultural use.

“Until such Governor shall be appointed, it will be lawful for any settlers to procure and dispose, for

their own profit, of any coals, metals, or minerals, which may exist or be discovered in the island ; but until a regular government is established in the island, the property of all such mines will still remain in the Crown ; and Her Majesty's Government reserve the right of imposing, at any future period, such a royalty as may be deemed necessary for the benefit of the colony.

“The above regulations are framed upon the idea that a few individuals are anxious to emigrate at once to Vancouver's Island. Should, however, any considerable number of settlers embark, at once, or within a short period, a Governor will be immediately appointed, and will be invested with full powers to act as Her Majesty's Commissioner for the disposal of the waste lands in Vancouver's Island.

“ In this event, it will probably be considered advisable to exact the payment of a sufficient price for the land, and of a certain royalty on all metals and minerals, so as to provide for the conveyance of the requisite amount of labour to the island, and of those other expenses incidental to the formation of a colony, which will have to be defrayed out of some general fund ; and instructions will, in that case, be given to the Colonial Land and Emigration

Commissioners, to conduct the emigration of labour to Vancouver's Island in the same manner as to the other British colonies to which free emigration is carried on.

“You will also receive the assurance of Her Majesty's Government, that, as soon as a sufficient number of colonists shall have settled in the island, to afford a reasonable prospect of the success of the colony, and a satisfactory representation is made that such a course would meet the wishes of the colonists themselves, Her Majesty will grant a Charter of Incorporation to the colony, by which a free Representative Government will be secured to it; and Her Majesty's Government will not fail to apply to Parliament for all the powers that may be necessary in order to carry its intentions into full effect.

“The rights of exclusive trade, which are at present enjoyed by the Hudson's Bay Company, will be recalled, as far as they extend to Vancouver's Island, in pursuance of the clause in the Licence of exclusive Trade over the Indian Territories, provided for that purpose.

“In order that the views of Her Majesty's Government may be known as extensively as possible, I shall have much pleasure in putting you in com-

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CONCLUSION.

LET us, in conclusion, take a brief review of what it has been the object of this book to bring before the public.

The question at issue is a serious one—whether a valuable territory shall be given up to an irresponsible Corporation, to be colonized or not, as it may suit their convenience ; or whether that colonization shall be conducted in accordance with any principles which are recognised as sound and right?

The foregoing exposure of the character and conduct of the Company has been provoked. When doubts were expressed whether the Company were qualified for fulfilling the tasks assigned to them by the Colonial Minister, and when they appealed to their character and history, it became right that their history should be examined, and their character exposed.

The investigation thus provoked has resulted in the discovery that their authority is fictitious, and their claims invalid. As their power is illegal, so the exercise of it has been mischievous : it has been

mischievous to Great Britain, leaving her to accomplish, at a vast national expense, discoveries which the Company undertook, and were paid, to perform; and because our trade has been contracted and crippled, without any advantage, political or other, having been obtained in return: it has been mischievous to the native Indians, cutting them off from all communication with the rest of the civilized world, depriving them of the fair value of their labour, keeping them in a condition of slavery, and leaving them in the same state of poverty, misery, crime, and paganism, in which it originally found them: it has been mischievous to the settlers and colonists under its influence, depriving them of their liberties as British subjects, frustrating, by exactions and arbitrary regulations, their efforts to advance; and, above all, undermining their loyalty and attachment to the mother country, and fostering, by bad government, a spirit of discontent with their own, and sympathy with foreign institutions.

This is the Company whose power is now to be strengthened and consolidated;—to whose dominions is to be added the most important post which Great Britain possesses in the Pacific; and to whom the formation of a new colony is to be entrusted.

There has been no intention in the foregoing

pages to censure, indiscriminately, all the servants in the employment of the Hudson's Bay Company. No doubt, many of that body are generous and humane, as well as enterprising and intelligent. I have spoken of a system, and of its natural and necessary consequences, with no other desire than that the truth should be ascertained.

The possession of a portion of the earth as large as Europe, peopled by tribes of human beings, whom it has been committed to us to regenerate or to annihilate, must ever be a very solemn consideration.

And when we ask, Are we doing what is right and honest by these wandering savages, whose keepers we are? it is not the sort of answer we should receive,—“These tribes are predestinated savages; they do not improve, because they cannot improve: it is very well for them that they are not utterly exterminated; as to their country, it is not worth your curiosity; it is uninhabitable; it is only fit for us to hunt furs in!” There is something suspicious and painful in this sort of reply; something this country will not be satisfied with.

Of all the savage races with whom we have come in contact, the North American Indian has, perhaps, the largest claim upon our sympathy.

Invested with qualities of mind and character kindred to those which the purest philosophy and the highest civilization recognise as noble in man, he has afforded us a new type in poetical fiction, and has been portrayed as the hero of romance. And yet, with these qualities, common to himself and the loftiest of his species, with this bridge, as it were, across the gulf which divides the savage from civilized man, the Indian is still roaming about his forests and his prairies, nakedly shivering that we may be warmly clad, dying by starvation that the cup of our luxury may be filled. Civilization has been to him, not the sun that warms, but the lightning that scorches: under its influence, instead of growing and advancing in the scale of humanity, the North American Indian seems to have shrivelled still farther into the very decrepitude of barbarism. He is losing the ancient traditions of his race—a fatal symptom of expiring vitality: he has lost his native spirit of independence—that great gift by which Providence would mitigate the extreme penalty of barbarism. He is melting, tribe by tribe, from the face of the earth, like the snow of his plains in the summer time; or is hanging in hopeless dependence upon the white strangers who have crushed

him,—who have taken from him all that was his, and given him nothing that was theirs. This man was placed, in the counsels of Providence, at our feet. We conquered his land by that conquest which needs no battle—the civilized man over the savage :—we hoisted a flag, and called the land our own. Time has been, we should have enslaved him : he might have become a civilized slave : he is now both slave and savage. We have given a letter of marque to our merchants to pillage the savage of his only wealth. If the Indian would receive more for his furs, were there competition in his country, than he is paid by those who enjoy a monopoly, he is robbed of his property. I know that we have done all this by mistake. We were promised the salvation, if not the regeneration, of the Indian race ; we were promised that he should no longer be poisoned, and maddened, and cheated, by the fire-water ; we were promised that missionary enterprise should take the place of commercial competition. But have these promises been kept ? Not a fraction of one. Then what excuse shall be made for a longer sufferance of such a system ?

Is it enough to say, (even supposing there were any truth in the statement,) that the Company has “enriched our country to the amount of twenty

millions sterling !” * Tell that to the Indian ! He will answer, “ Have your riches been honestly come by ?” In fair dealing, both parties are richer ; both get what they want ; but the Indians are fewer, poorer, and more wretched, than the first day they sold a skin to a white man. And all this for what ? for a traffic which is to us a mere luxury ; and in point of magnitude, a mere trifle—less than will employ a thousand tons of shipping annually.

If the Company were to be destroyed to-morrow, would England be poorer ? would there not rather be demanded from the hands of our own manufacturers ten times the quantity of goods which is sent abroad, under the present system, to purchase the skins ?

We boast that we make no slaves—we Englishmen—none at least that can taint our soil, or fret our sight ; but we take the child of the forest, whom God gave us to civilize, and commit him bound hand and foot to the most iron of all despotisms—because a despotism without personality or conscience—a commercial monopoly.

Nor, turning from the results of our policy upon the native population, to its effect upon settlers and colonists, is there greater cause for congratulation.

* Mr. M. Martin's Hudson's Bay Company's Territories, &c., p. 137.

The system which has made the native a slave, is making the settler a rebel. Restrictions upon trade, jealousy of its own privileges, interference with the rights of property, exactions, and all the other freaks in which monopoly and despotism delight to indulge, have, it appears, driven the best settlers into the American territory, and left the rest, as it were, packing up their trunks for the journey.

The Oregon territory was peopled under the influence of the Company, with subjects of the United States:* that lost us the boundary of the Columbia River. That is one specimen of the colonization of the Hudson's Bay Company. The boundary westward from the Lake of the Woods, we have seen, gave to the United States land from which the Company was engaged, at the very time, in driving out British subjects, on the plea that

* Since writing the former chapter, I have heard this account given of the conduct of the Hudson's Bay Company, in respect to the Oregon boundary, which offers still stronger ground for inquiry. The country south of the 49th parallel, it seems was hunted up—therefore the posts of the Hudson's Bay Company were become of no value at all. By annexing all that country to the United States, and inserting in the treaty a clause that the United States should pay the Company for all its posts if it turned them out—the Company were able to obtain from the Americans a large sum of money for what would have been worth nothing, had the territory remained British.

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it belonged to the Company; and now that the boundary has been settled only a few years, we learn that the settlers on our side are asking the United States to extend her government over that country. Make what lines you please in a map and call them boundaries, but it is a mockery to do so as long as the inhabitants are alienated from your rule, as long as you have a Company in power, whose policy erases the lines which treaties have drawn.

Forasmuch, then, as these things are so, it becomes this country to record an emphatic protest against the recent policy of the Colonial Office, in abandoning the magnificent country on the shores of the Pacific Ocean to the Hudson's Bay Company.

The blindest cannot long avoid seeing the immense importance of Vancouver's Island to Great Britain. Those who, two years ago, first began to attract public attention to this question, are not the less amazed at the unexpected manner and rapidity with which their anticipations have been realized. Six months ago, it was a question merely of colonizing Vancouver's Island: now, it is a question involving the interests of the whole of British North America, and of the empire of Great Britain in the Pacific Ocean.

When the whole world is asking, what is the best route across the continent, ought this country to neglect the opportunity of opening the highway through its own territories? It is said that there are the means of doing so. There can hardly be conceived a duty more incumbent upon a government, than that of ascertaining whether these reports are true: whether there is a possibility of opening a route across the continent from ocean to ocean. The first thing to be done is, to send out an expedition of competent persons to survey the country along the course of the Saskatchewan River. Such an expedition would commence with an examination of the line of rivers and lakes which unite Lake Superior to the Lake of the Woods—a magnificent country, which we know affords the most abundant facilities for settlement, inferior to none in the best parts of Canada. It could be readily ascertained by an Engineer, how far these waters could be made useful for the transit of merchandise. The expedition would then cross the Lake of the Woods, and ascend the Saskatchewan; report upon the best mode of surmounting the falls in the neighbourhood of Cumberland House; and proceed to survey the whole course of the river up to the Rocky Mountains, taking notice

of what spots are most favourable for the formation of villages and settlements along its banks; ascertaining how far its waters could be navigated by steam-vessels, and whether the coal, said to abound upon its banks, could be made available for the supply of steamers. Passing on from the head waters of the Saskatchewan, the expedition should ascertain the best route to the shores of the Pacific, through, and from, the Rocky Mountains. Upon all these points there is much need of accurate information. In case, then, it were found practicable to open this line of communication, the next thing would be, to direct the stream of colonization partly in this direction. At present, it would be requisite to carry food the greatest part of the journey, or to depend upon the chase. The formation of settlements and villages would obviate this necessity; food would be provided in abundance, along the whole course of the river. If this were accomplished, Vancouver's Island, and the country in its immediate vicinity on the main land, would become what the terminus of a railway station is in this country. To form any idea of its importance, and of the rapidity of its growth as a colony, it is sufficient to recollect how we have seen towns spring up in this country, where not a cottage stood a few years ago.

For the same reason, Canada will feel the change. Canada would become the line of transit for emigrants, and for all the commerce which colonies in the interior would necessarily create, instead of being, as she now is, planted against an impenetrable wall of desert, two thousand miles thick.

These are the vast speculations into which the, at first insignificant, question, of the colonization of Vancouver's Island has expanded. Call them the dreams of an enthusiast—it may be true: it may be that all efforts to foresee or to direct the destinies of the future are nothing more: certain it is, they have often borne the name. But I know of no colony having been formed, nor of any great or lasting impulse which has been given to the energies of a people, in the accomplishment of which ardent enthusiasm has not had the largest share.

Looking at the many hundred miles over which the mighty wave of population has rolled towards the west, within the recollection of the present generation, and at the constantly increasing rapidity with which it still moves onward, it is scarcely a vain speculation, to anticipate the time when a connected line of flourishing settlements shall extend along the entire line of communication from Canada to Vancouver's Island. How soon might not this

hope be realized, if we could enlist the services of even a small part of those whom, year after year, we drive out of this country into the United States?

There is no part of our Colonial system more lamentable than this—the enormous crowd of our fellow-countrymen who annually desert our banners, and number themselves amongst the citizens of a rival power : and this, when not only are there millions of acres of waste lands in our own dominions ready to receive and to enrich them, but the extension and consolidation of our empire demands their presence on our side of the frontier line.

Children or idiots could have devised no scheme of colonial administration with results more disastrous to our interests than these. And if it be true that one great part of the evil may be traced to the nature of the governments which exist in most of our colonies, and to the species of influence to which settlers in colonies are exposed, then it is true and manifest that there never was a scheme devised more entirely consistent with the most pernicious part of our colonial policy, than that which proposed to place British colonists and subjects under the dominion of a Company whose rights and privileges have been maintained in defiance of

British law, and whose authority will be established at the expense of British liberty.

The Hudson's Bay Company will probably have good cause to regret the time when they attracted public attention to the whole of their lawless transactions, by asking for fresh territory : nor will they feel much gratitude to the Minister whose ill-judged benevolence granted their request. And should some active Director, relieved from the cares of managing a monopoly, which public justice had destroyed, read in his retirement the legend of the unfortunate Tarpeia, he may perchance learn, in the mournful recollection of vanished profits, to realize the moral of the tale, how avarice may be crushed by the gifts which it covets.

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